

EXHIBIT 10

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.
Hershey Weiner on 11/15/2023

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 KITCHEN WINNERS NY INC.,

4 Plaintiff,

5 v.

6 ROCK FINTEK LLC,

7 Defendant.

Claim Action No.
22-cv-05276

8 ROCK FINTEK LLC,

9 Counterclaim and
10 Third-Party Plaintiff

11 v.

12 KITCHEN WINNERS NY INC.,

13 Counterclaim Defendant,

14 and

15 ADORAMA INC., HERSHEY WEINER,
JOSEPH MENDLOWITZ, JNS CAPITAL
HOLDINGS LLC, and JOEL STERN,

16 Third-Party Defendants.
17

18 VOLUME 1, AFTERNOON SESSION

19 CONTINUED DEPOSITION OF
HERSHEY WEINER

20 Wednesday, November 15, 2023

21
22
23 HUSEBY GLOBAL LITIGATION
24 800-333-2082

25 Job No. 30129

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 106..109**

Page 106	Page 108
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2</p> <p>3 NOVEMBER 15, 2023</p> <p>4</p> <p>5 EXAMINATION BEFORE TRIAL, AFTERNOON SESSION, of</p> <p>6 HERSHEY WEINER, THIRD-PARTY DEFENDANT, taken pursuant</p> <p>7 to Notice of Examination via Zoom Teleconferencing,</p> <p>8 continuing at 1:05 p.m., on the above date, before</p> <p>9 Christine Greenaway, Registered Professional Reporter</p> <p>10 and Notary Public for the State of New York.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2</p> <p>3 APPEARANCES CONTINUED via ZOOM REMOTE:</p> <p>4</p> <p>5</p> <p>6 LIPSIUS-BENHAIM LAW, LLP.</p> <p>7 BY: ALEXANDER SPERBER, ESQ.</p> <p>8 80-02 Kew Gardens Road</p> <p>9 Suite 1030</p> <p>10 Kew Gardens, NY 11415</p> <p>11 212.981.8449.</p> <p>12 ASperber@lipsiuslaw.com</p> <p>13 Counsel for Third-Party Defendants,</p> <p>14 Adorama Inc., Hershey Weiner,</p> <p>15 and Joseph Mendlowitz</p> <p>16</p> <p>17 THE LAW OFFICE OF AVRAM E. FRISCH LLC</p> <p>18 BY: AVRAM E. FRISCH, ESQ.</p> <p>19 1 University Plaza</p> <p>20 Suite 119</p> <p>21 Hackensack, NJ 07601</p> <p>22 201.289.5352</p> <p>23 frische@avifrischlaw.com</p> <p>24 Counsel for Third-Party Defendants,</p> <p>25 JNS Capital Holdings LLC and</p> <p>Joel Stern</p> <p>ALSO PRESENT via ZOOM REMOTE:</p> <p>BRADLEY GILLING</p> <p>THOMAS KATO</p> <p>- - -</p>
Page 107	Page 109
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2</p> <p>3 APPEARANCES via ZOOM REMOTE:</p> <p>4</p> <p>5 LIPSIUS-BENHAIM LAW, LLP.</p> <p>6 BY: ALEXANDER SPERBER, ESQ.</p> <p>7 80-02 Kew Gardens Road</p> <p>8 Suite 1030</p> <p>9 Kew Gardens, NY 11415</p> <p>10 212.981.8449.</p> <p>11 ASperber@lipsiuslaw.com</p> <p>12 Counsel for Kitchen Winners,</p> <p>13 Plaintiff/Counterclaim Defendant</p> <p>14</p> <p>15 POLLACK SOLOMON DUFFY LLP.</p> <p>16 BY: PHILLIP RAKHUNOV, ESQ.</p> <p>17 LAUREN RIDDLE, ESQ.</p> <p>18 31 St. James Avenue</p> <p>19 Suite 940</p> <p>20 Boston, MA 02116</p> <p>21 617.960.3118</p> <p>22 PRakhunov@psdfirm.com</p> <p>23 LRiddle@psdfirm.com.</p> <p>24</p> <p>25 Counsel for Rock Fintek,</p> <p>Defendant/Third-Party Plaintiff</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2</p> <p>3 S T I P U L A T I O N S</p> <p>4</p> <p>5 IT IS HEREBY STIPULATED AND AGREED by and amongst</p> <p>6 the parties hereto that all rights provided by the</p> <p>7 Federal Rules of Civil Procedure, including the right</p> <p>8 to object to any question, except as to the form</p> <p>9 thereof, are reserved; and, in addition, the failure</p> <p>10 to object to any question or motion to strike</p> <p>11 testimony at this examination shall not be a bar or</p> <p>12 waiver to make such motion at, and is reserved for,</p> <p>13 the trial of this action;</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that this</p> <p>16 examination may be sworn to by the witness being</p> <p>17 examined before a Notary Public other than the Notary</p> <p>18 Public before whom this examination was begun;</p> <p>19</p> <p>20 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>21 filing and certification of the original of this</p> <p>22 examination are waived.</p> <p>23</p> <p>24</p> <p>25</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 110..113**

Page 110	Page 112
1 (HERSHEY WEINER - VOL. 1, PM SESSION)	1 (HERSHEY WEINER - VOL. 1, PM SESSION)
2	2
3 I N D E X	3 E X H I B I T S
4	4
WITNESS PAGE	NUMBER/IDENTIFICATION PAGE
5	5
HERSHEY WEINER	6 DEFENDANT'S
7 BY: PHILLIP RAKHUNOV, ESQ. 114	7 Exhibit 12..... 159
8	8 T-Z Cargo Limited, Ocean Bill of Ladings
9 DOCUMENT PRODUCTION REQUEST --	9
10 ERRATA SHEET 189	10 Exhibit 13..... 163
11	11 Shipping Invoices with Packing Lists
12 EXHIBIT LIST 111	12 for MedCare
13	13
READ AND SIGN 186	14 Exhibit 14..... 168
14	15 Purchase and Sales Agreement between
15 REPORTER'S CERTIFICATE 187	16 Kitchen Winners and Rock Fintek
16 WITNESS CERTIFICATE OF OATH 188	16
17 (ORDER on Volume 2, Page 94)	17
18	18
19	19
20	20
21	21
22	22 - - -
23	23
24	24
25	25
Page 111	Page 113
1 (HERSHEY WEINER - VOL. 1, PM SESSION)	1 (HERSHEY WEINER - VOL. 1, PM SESSION)
2	2 A F T E R N O O N S E S S I O N
3 E X H I B I T S	3 - - -
4	4
NUMBER/IDENTIFICATION PAGE	5 MR. RAKHUNOV: Good afternoon,
5	6 Mr. Weiner. I just want to put on the
DEFENDANT'S	7 record that we were -- at around 11:40
6 (Exhibits 1-5 marked in AM Session.)	8 a.m. as we were in the middle of the
7	9 deposition, it seems that the court
8 Exhibit 6..... 124	10 reporter had a technical issue and
9 Gmail dated 2/19/21; MedCare Major Issue	11 dropped off due to no fault of anyone
10	12 in this deposition.
11 Exhibit 7..... 128	13 And it's now 1:09 p.m. and we were
12 Purchase and Sale Agreement; JNS/En Corp	14 able to get a replacement court reporter
13	15 and we are resuming the deposition.
14 Exhibit 8..... 131	16 I think before the court reporter
15 Pick Up Report	17 dropped off, we might have had a couple
16	18 of minutes of testimony and --
17 Exhibit 9..... 133	19 I'm sorry, Christine, you're still
18 E-mail dated 4/23/21 with photo attachments	20 there; right?
19	21 (Madame court reporter responded in
20 Exhibit 10..... 139	22 the affirmative.)
21 Gmail dated 6/17/21d with photos of	23 MR. RAKHUNOV: Okay. It looked
22 containers attached	24 almost like you were frozen, but I just
23	25 may now be paranoid.
24 Exhibit 11..... 154	
25 Packing List dated 2021/4/24 from	
Dongguan Grinvald Technology Co., Ltd.	

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 114..117**

Page 114	Page 116
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 EXAMINATION CONTINUED</p> <p>3 BY MR. RAKHUNOV:</p> <p>4 Q. So before we dropped off, I believe I asked</p> <p>5 you a question about your understanding of the</p> <p>6 difference between protection and examination gloves,</p> <p>7 assuming they weren't mislabeled, and I believe you</p> <p>8 explained that you understood examination gloves could</p> <p>9 be used in surgical settings and protection gloves</p> <p>10 could be used in other hospital settings.</p> <p>11 But I don't want to put words in your mouth,</p> <p>12 so could you just repeat your answer about that topic?</p> <p>13 A. I said that to my knowledge protection</p> <p>14 gloves can be used in facilities, and examination</p> <p>15 gloves can be used in ICU as well.</p> <p>16 Q. But they are different -- again, assuming</p> <p>17 proper labeling -- they are different gloves; correct?</p> <p>18 A. Assuming yes, to my knowledge.</p> <p>19 Q. Okay. So do you recall at some point in</p> <p>20 early 2021, you received gloves from MedCare that were</p> <p>21 mislabeled?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you raised that issue with</p> <p>24 MedCare; correct?</p> <p>25 A. Yes.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Okay, that's fair.</p> <p>3 Did she tell you why they had boxes that</p> <p>4 said "protection" on them?</p> <p>5 A. As I previously said, that she said that she</p> <p>6 ran out of the examination boxes and they used</p> <p>7 protection. I didn't ask more than -- further than</p> <p>8 that, if she's producing or not. To my recollection.</p> <p>9 Q. And so whatever explanation Anna gave to</p> <p>10 you, you were satisfied with that explanation?</p> <p>11 A. Yes.</p> <p>12 MR. RAKHUNOV: Let me put an</p> <p>13 exhibit -- So, Christine, you don't have</p> <p>14 the previously marked exhibits, I</p> <p>15 assume?</p> <p>16 (Madame court reporter responds in</p> <p>17 the negative.)</p> <p>18 MR. RAKHUNOV: Okay, so this will</p> <p>19 be Exhibit 5 in the deposition and</p> <p>20 we'll, as we said before, we'll send a</p> <p>21 full set once we are done.</p> <p>22 The document itself has a number</p> <p>23 four in the title and it's Bates</p> <p>24 numbered AKW-003061, a document that</p> <p>25 your attorney produced in this case.</p>
Page 115	Page 117
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Do you remember what came from that issue?</p> <p>3 What happened when you raised it with MedCare?</p> <p>4 A. She said it's the same thing. The gloves</p> <p>5 the same and the box was -- they couldn't get fast</p> <p>6 enough boxes due to COVID -- couldn't get fast enough</p> <p>7 new boxes, and the warehouse packed this box and she</p> <p>8 gave me somehow a letter, I think, that I produced in</p> <p>9 the production that it's the same quality, 510k</p> <p>10 examination.</p> <p>11 Q. And when you say "a letter," did she -- When</p> <p>12 you say "she" you mean Anna Grimvald; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And did Miss Grimvald produce any testing</p> <p>15 reports to you or any other documentation to</p> <p>16 substantiate her assertion that these were the same</p> <p>17 gloves, but simply in different labeled boxes?</p> <p>18 A. I would have to check. I don't recall.</p> <p>19 Q. Do you know if MedCare had actually been</p> <p>20 producing protection gloves at some point?</p> <p>21 A. I don't know and I don't -- I wasn't</p> <p>22 involved.</p> <p>23 Q. So you don't know why they had protection</p> <p>24 boxes then?</p> <p>25 A. I didn't work for Anna Grimvald.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Let me know once you have it open,</p> <p>3 Mr. Weiner.</p> <p>4 THE WITNESS: Yes.</p> <p>5 MR. RAKHUNOV: Okay.</p> <p>6 BY MR. RAKHUNOV:</p> <p>7 Q. So do you see you write for the subject</p> <p>8 matter "MedCare major issue" on February 18, 2021?</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And is this the issue you just were talking</p> <p>12 about?</p> <p>13 A. I can assume so.</p> <p>14 Q. Okay. And there's a reference here to a</p> <p>15 container number.</p> <p>16 Do you know whether any other containers,</p> <p>17 other than the one referenced in this e-mail, came</p> <p>18 with boxes that had gloves labeled "protection" on</p> <p>19 them that you purchased from MedCare?</p> <p>20 A. I know it was more than one container, but</p> <p>21 I don't know container numbers and I didn't even know</p> <p>22 this container number.</p> <p>23 Q. No, I understand that you don't have the</p> <p>24 container numbers memorized.</p> <p>25 But as you sit here today, do you have any</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 118..121**

Page 118	Page 120
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 reason to believe when you wrote the container number</p> <p>3 back in February 2021 you weren't accurate?</p> <p>4 A. Yes, it could be.</p> <p>5 Q. Okay. And you enclosed some photographs</p> <p>6 of the boxes that say Synthetic Nitrile Protection</p> <p>7 Gloves; correct?</p> <p>8 A. I don't see no photos. You have photos</p> <p>9 here?</p> <p>10 Q. Yeah. The photos are attached and you can</p> <p>11 see little thumb images on the first page, but the</p> <p>12 last page has the actual attachments -- well, the last</p> <p>13 two pages.</p> <p>14 A. Yes, I see it there.</p> <p>15 Q. Okay. And you wrote to Miss Grimvald and</p> <p>16 under point 1, "It does not say exam on the box, this</p> <p>17 is unacceptable."</p> <p>18 Do you see that?</p> <p>19 A. It does not say exam on the box and it is</p> <p>20 unacceptable, yes.</p> <p>21 Q. Okay. And why did you say that this is</p> <p>22 unacceptable to Miss Grimvald?</p> <p>23 A. Because it doesn't say "examination."</p> <p>24 Q. And you weren't buying them for your own</p> <p>25 use; correct?</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 e-mail?</p> <p>3 A. I don't know. I don't recall. I have to go</p> <p>4 check. In February.</p> <p>5 Q. Understood.</p> <p>6 Do you know who some of your customers were</p> <p>7 in February?</p> <p>8 A. I had a lot of customers in February. It</p> <p>9 might have been Mr. Kline or I have -- oh, I had</p> <p>10 another customer, Sea Oyster (ph). He sold for Cod</p> <p>11 Fisher, Sea Oyster. I forgot customers. I had Cod</p> <p>12 Fisher and Sea Oyster customers.</p> <p>13 Q. And do you remember those customers throwing</p> <p>14 the merchandise back at you when they realized that</p> <p>15 the boxes were labeled "protection" and not</p> <p>16 "examination"?</p> <p>17 A. Actually in the end, they all took it.</p> <p>18 Q. In the end they all took it?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what usage those gloves they</p> <p>21 were buying for?</p> <p>22 A. Yes, Sea Oyster went to work with the</p> <p>23 hospital in Manhattan. He had a contract with the</p> <p>24 government. The government has hospitals in Manhattan</p> <p>25 and he had the biggest contracts in New York.</p>
Page 119	Page 121
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 You were buying them to sell to other end</p> <p>3 users; correct?</p> <p>4 A. I would have to check on February because on</p> <p>5 February I didn't buy at all. I sold, as I told you,</p> <p>6 when it went up in China on the boat.</p> <p>7 Q. So are you saying you didn't buy these</p> <p>8 gloves?</p> <p>9 A. I didn't say that. I said that it was</p> <p>10 specific assigned to a customer. In February, I did</p> <p>11 not take possession of the containers. It was</p> <p>12 assigned to customer.</p> <p>13 Q. So you were buying them to be immediately</p> <p>14 resold to a customer; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And, in fact, if you look at the line that</p> <p>17 starts with "These two issues are major, I don't know</p> <p>18 how to solve this, my customer is throwing me back the</p> <p>19 merchandise, I don't have where to sell it now"; do</p> <p>20 you see that sentence?</p> <p>21 A. Which line?</p> <p>22 Q. So the first sentence under number 2.</p> <p>23 A. Yes, this two issues major issue, I don't</p> <p>24 know how -- yes, to solve this, yes.</p> <p>25 Q. Who is the customer referenced in this</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Okay. And do you have communications by</p> <p>3 e-mail with this client of yours regarding this issue</p> <p>4 with protection labels?</p> <p>5 A. I would tell Alex to check. I don't know</p> <p>6 how to search it, but if Alex wants to search again, I</p> <p>7 think we can do the search. This I don't know.</p> <p>8 I think it was a verbally on the phone, it</p> <p>9 settled.</p> <p>10 Q. What do you mean "it settled"?</p> <p>11 A. He didn't want to give me the merchandise.</p> <p>12 I wanted to take back the merchandise.</p> <p>13 Q. And do you see in the last line you write,</p> <p>14 "If I would have known this I wouldn't sell it to a</p> <p>15 government account, I would give it to someone that</p> <p>16 doesn't look"?</p> <p>17 Do you see that?</p> <p>18 A. Which line?</p> <p>19 Q. The last line.</p> <p>20 A. I wouldn't sell it to government. Yeah,</p> <p>21 that's Sea Oyster. I would give it to somebody that</p> <p>22 doesn't look, yeah.</p> <p>23 Q. What do you mean when you wrote, "I would</p> <p>24 give it to someone that doesn't look"?</p> <p>25 A. My expression was not perfect. I'm saying</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 122..125**

Page 122	Page 124
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 customers that don't care. Like 2020 and Prestige,</p> <p>3 they didn't care.</p> <p>4 Q. Why didn't they care?</p> <p>5 A. They sold it on the market. They didn't</p> <p>6 care if it says "protection" or "examination."</p> <p>7 I don't know, you would have to ask them.</p> <p>8 They didn't care.</p> <p>9 Q. Rock Fintek cared, though; right?</p> <p>10 A. I don't know because they took from me three</p> <p>11 loads and they didn't care.</p> <p>12 Q. So again, the three loads --</p> <p>13 A. So I don't know.</p> <p>14 Q. Okay. And these loads that you're talking</p> <p>15 about were before you entered into the big contract</p> <p>16 with them?</p> <p>17 A. It says February.</p> <p>18 Did I go into the contract with them in</p> <p>19 February?</p> <p>20 Q. Well, I can show you the contract and I will</p> <p>21 just represent to you for now that it's dated in April</p> <p>22 of 2021.</p> <p>23 But my question is --</p> <p>24 A. February -- one second -- February, March,</p> <p>25 April, two months later.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. And it's your testimony that when you wrote</p> <p>3 that you would give it to someone that doesn't look,</p> <p>4 that the word "look" actually means care?</p> <p>5 A. Yeah, they have clients that they don't need</p> <p>6 to be -- say "examination." They didn't care.</p> <p>7 Q. You weren't saying that you would give it to</p> <p>8 someone who just doesn't pay attention?</p> <p>9 A. No. We pay attention to everybody.</p> <p>10 Q. Do you recall --</p> <p>11 MR. RAKHUNOV: And again, let's</p> <p>12 just -- I will just put another exhibit</p> <p>13 into the chat box. Just one second.</p> <p>14 (Pause).</p> <p>15 (Defendant's Exhibit 6 marked for</p> <p>16 identification.)</p> <p>17 BY MR. RAKHUNOV:</p> <p>18 Q. This is going to be six and it's a</p> <p>19 continuation of this e-mail chain we just looked at.</p> <p>20 It begins with Bates No. AKW-3067.</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. So you see you follow -- at the</p> <p>23 bottom of Page 1, you follow up with Anna on</p> <p>24 February 19th and you write: "Anna, please let me</p> <p>25 know which container numbers have this same problem.</p>
Page 123	Page 125
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Right. So my question is, did you sell</p> <p>3 gloves from this container to Rock Fintek?</p> <p>4 A. No, not to my knowledge.</p> <p>5 Q. Okay.</p> <p>6 A. Not to my knowledge. Clearly no.</p> <p>7 Q. But you have testified that you gave, at</p> <p>8 least before the contract was executed, protection</p> <p>9 gloves to Rock Fintek, based on what Arik told you;</p> <p>10 correct?</p> <p>11 MR. SPERBER: Objection to form.</p> <p>12 A. Yes, it was within two weeks from before the</p> <p>13 contract. So if the contract was in April, it should</p> <p>14 have been in March somewhere, end of March.</p> <p>15 I don't know which day the contract was but</p> <p>16 if it was in April 1, this would have been March 10 --</p> <p>17 or March 20.</p> <p>18 Q. Okay. So --</p> <p>19 A. You're talking before February 8th and it</p> <p>20 was already unloaded and delivered to somebody's</p> <p>21 warehouse.</p> <p>22 Q. Did you sell gloves to -- I mean did these</p> <p>23 clients in February buy containers at a time or, you</p> <p>24 know, what kind of quantities are you selling?</p> <p>25 A. Container.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 I need to know exactly very urgently."</p> <p>3 Do you see that?</p> <p>4 A. Yeah.</p> <p>5 Q. So you did view this labeling issue as a</p> <p>6 problem; correct?</p> <p>7 A. Yes, before she gave me the letter.</p> <p>8 Q. Okay. And look at Miss Grimvald's response.</p> <p>9 Is this the letter you're referring to or is</p> <p>10 there something else that you recall being provided?</p> <p>11 A. Where do you see her response?</p> <p>12 Q. So do you see at the very top of this</p> <p>13 document?</p> <p>14 A. Yeah, "Dear All"?</p> <p>15 Q. Yep.</p> <p>16 A. Can you read it out loud to me, please.</p> <p>17 Q. Sure. "Bear factory" -- What is Bear</p> <p>18 factory? Any idea what that is?</p> <p>19 A. No.</p> <p>20 Q. Okay. "Anhui is still using these boxes</p> <p>21 until the middle of March. There are three containers</p> <p>22 being picked up today. Two you have received</p> <p>23 inspection and one is inspected today before loading.</p> <p>24 These 90,000 boxes will be with this" -- I think it's</p> <p>25 supposed to say "packaging."</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 126..129**

Page 126	Page 128
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. So literally 90,000 boxes, do you understand</p> <p>5 that to refer to the big brown boxes or the tissue</p> <p>6 boxes?</p> <p>7 A. No, she wrote always "tissue boxes."</p> <p>8 Q. Okay. And there's 100 gloves in each box;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. So how many gloves -- if you can just do</p> <p>12 the math -- how many gloves are we talking about in</p> <p>13 90,000 boxes?</p> <p>14 A. About 9,000 cases.</p> <p>15 Q. So 9 million gloves?</p> <p>16 MR. SPERBER: I don't think that's</p> <p>17 right.</p> <p>18 A. I don't think so.</p> <p>19 BY MR. RAKHUNOV:</p> <p>20 Q. Let's see. If we're taking 100 gloves a</p> <p>21 box, average?</p> <p>22 A. It could be. I don't know. 9,000 boxes.</p> <p>23 Q. You identified the container number very</p> <p>24 specifically in your e-mail.</p> <p>25 Were you able to track where those</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. I don't recall putting container numbers on</p> <p>3 my invoices.</p> <p>4 Q. Okay. Do you recall -- You said you sat</p> <p>5 through Mr. Stern's deposition.</p> <p>6 Do you recall if he saw container numbers on</p> <p>7 his invoices?</p> <p>8 A. I don't think it was on his invoices.</p> <p>9 What I remember -- what I recall, it was</p> <p>10 Bill of Lading. I assigned a Bill of Lading to the</p> <p>11 customer.</p> <p>12 Q. And I guess speaking of Joel Stern, I'm</p> <p>13 going to ask you one question.</p> <p>14 MR. RAKHUNOV: Let me put Exhibit 7</p> <p>15 into the chat box.</p> <p>16 (Defendant's Exhibit 7 marked for</p> <p>17 identification.)</p> <p>18 BY MR. RAKHUNOV:</p> <p>19 Q. So this is a document also produced by your</p> <p>20 counsel and it's an e-mail on January 12, 2021 from</p> <p>21 you to Mendel Banon attaching a document entitled</p> <p>22 SPA-JNS Services Corp. 300K MedCare.</p> <p>23 And you write, "Please talk to me about it."</p> <p>24 Take a look at the document and I'm going to</p> <p>25 tell you it looks like a Sales and Purchase Agreement</p>
Page 127	Page 129
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 containers actually went, in terms of your clients?</p> <p>3 A. I don't recall exactly but it must have gone</p> <p>4 to 2020 -- M2020 and Prestige or a client, and this</p> <p>5 Fisher, Cod Fisher.</p> <p>6 Q. And it ultimately made its way back to Rock</p> <p>7 Fintek when you needed that inventory; correct?</p> <p>8 A. No -- yeah, before the contract, it</p> <p>9 ultimately made it back, yeah.</p> <p>10 Q. So we're talking about 9,000 boxes of</p> <p>11 gloves.</p> <p>12 Pretty small amount of the ultimate contract</p> <p>13 amount; correct? Compared to the ultimate contract?</p> <p>14 A. Correct.</p> <p>15 Q. Yeah. Generally speaking, did you keep</p> <p>16 careful recordkeeping as to what container numbers</p> <p>17 were sold to what client of yours?</p> <p>18 A. I have to check but I think that -- at that</p> <p>19 time, I gave the Bill of Ladings to certain clients.</p> <p>20 I didn't keep records.</p> <p>21 If I put container number it's most probably</p> <p>22 because my client told me it's this and this container</p> <p>23 number.</p> <p>24 Q. Okay. So you did not put container numbers</p> <p>25 on your invoices; correct?</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 between JNS Services Corp. and the seller titled EN</p> <p>3 Corp.</p> <p>4 Do you recall this document and the e-mail</p> <p>5 to which it's attached?</p> <p>6 A. This is the company in Texas I told you</p> <p>7 that, umm, that umm, also had goods. I don't know,</p> <p>8 maybe, umm, Janice gave it to me to tell me that</p> <p>9 they're offering also goods.</p> <p>10 Q. So this is another company that was selling</p> <p>11 MedCare gloves?</p> <p>12 A. Yes.</p> <p>13 Q. And do you know why you asked Mendel Banon</p> <p>14 to talk to you about it?</p> <p>15 A. Yeah, because look at the unit price is</p> <p>16 \$8.30 and I couldn't give that price. So I wanted to</p> <p>17 discuss it with him, how come the other person could</p> <p>18 give such price. My costs was above that.</p> <p>19 Q. Did you discuss it with him?</p> <p>20 A. I assume.</p> <p>21 Q. Do you remember why they were able to get a</p> <p>22 price like that?</p> <p>23 A. No.</p> <p>24 Q. Did you bring this up with MedCare or with</p> <p>25 the Texas company?</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 130..133**

Page 130	Page 132
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. I never spoke to the Texas company. As I</p> <p>3 told you in the beginning, that I knew of them but I</p> <p>4 never spoke to them.</p> <p>5 Q. Okay. Did you ever do any business -- So</p> <p>6 you never did any business with the Texas company;</p> <p>7 correct?</p> <p>8 A. No. Right now I remember also there was</p> <p>9 another guy, Fine Line, I think is the company name,</p> <p>10 that also had MedCare. There was quite a few people</p> <p>11 that had MedCare.</p> <p>12 Q. Do you know, as you sit here today, approxi-</p> <p>13 mately how many shipments of gloves Rock Fintek picked</p> <p>14 up during the life of the contract from you?</p> <p>15 A. I spoke to you about that before. I think</p> <p>16 in the 50s.</p> <p>17 Q. Great. And do you remember providing an</p> <p>18 Excel spreadsheet called Pick Up Report at some point</p> <p>19 that had a summary of all the shipments with an image</p> <p>20 of a Bill of Lading attached next to each one?</p> <p>21 Does that sound familiar?</p> <p>22 A. It could be.</p> <p>23 Q. Okay. So this will be a challenge but I'm</p> <p>24 going to put an Excel document into the chat box.</p> <p>25 Hopefully you're able to open it on your iPad.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 shipments. We can count them up. But my question is</p> <p>3 very simple.</p> <p>4 Do you believe that this spreadsheet is a</p> <p>5 fair representation of all of the glove shipments that</p> <p>6 Rock Fintek picked up from Kitchen Winners during the</p> <p>7 life of the contract?</p> <p>8 A. No.</p> <p>9 Q. You don't believe that it's a fair</p> <p>10 representation. Why?</p> <p>11 A. My records have that I shipped them 1.703</p> <p>12 something, and they came back and they said that --</p> <p>13 dismissing him, he left, so that's why they gave me</p> <p>14 the Bill of Lading.</p> <p>15 I started asking somebody to put it together</p> <p>16 for me so we can see how the difference is.</p> <p>17 Q. So you're claiming you actually delivered</p> <p>18 more gloves than this document --</p> <p>19 A. Again, let's clarify. It was picked up,</p> <p>20 more gloves was picked up. 1.703. I don't have it</p> <p>21 pin down to the exact number.</p> <p>22 Q. Whether it was 1.6 something or 1.7</p> <p>23 something, you would agree with me that's more than</p> <p>24 the amount called for by the contract; correct?</p> <p>25 A. Correct. That's why I said "picked up."</p>
Page 131	Page 133
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. Is it there already?</p> <p>3 Q. Not yet. Hold on. It's giving me -- it</p> <p>4 doesn't like it that I have it open. (Pause)</p> <p>5 All right. I just sent it. It's -- it's a</p> <p>6 little bit large but hopefully you can open it.</p> <p>7 A. Yes.</p> <p>8 (Defendant's Exhibit 8 marked for</p> <p>9 identification.)</p> <p>10 BY MR. RAKHUNOV:</p> <p>11 Q. Do you remember creating this document?</p> <p>12 A. No, I wouldn't be able to create this. I</p> <p>13 had to ask somebody to come and create and help me to</p> <p>14 create this because I would never been able to create</p> <p>15 such a thing.</p> <p>16 Q. Do you know who created this document?</p> <p>17 A. I don't recall.</p> <p>18 Q. You don't have any reason to dispute that</p> <p>19 this came from Kitchen Winners?</p> <p>20 A. I don't know. It could be that it was</p> <p>21 gathered information that came from Rock Fintek, they</p> <p>22 gave me, because we had started having disputes of the</p> <p>23 quantity.</p> <p>24 Q. And I will represent to you that there are</p> <p>25 59 -- yeah, 58 entries, I believe, containing various</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Understood. All right. You can close that.</p> <p>3 MR. RAKHUNOV: That was Exhibit 8,</p> <p>4 by the way.</p> <p>5 Now we're going to go to Exhibit 9.</p> <p>6 (Defendant's Exhibit 9 marked for</p> <p>7 identification.)</p> <p>8 BY MR. RAKHUNOV:</p> <p>9 Q. It should be in the chat box. It's a</p> <p>10 document that was -- you know, I don't recall if it</p> <p>11 was produced by Mr. Stern or by your counsel, but it</p> <p>12 doesn't have a Bates No.</p> <p>13 It was produced in this case and it's an</p> <p>14 April 23, 2021 e-mail from someone named Patricia</p> <p>15 Sellino, whose signature box associates her with</p> <p>16 CaraVan, Inc.</p> <p>17 Do you have it downloaded?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know what CaraVan, Inc. is?</p> <p>20 A. No.</p> <p>21 Q. It's not an entity that you ever dealt with?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Okay. Do you know why Miss Sellino is</p> <p>24 e-mailing you and cc'ing a number of other people</p> <p>25 concerning a work order for pulling gloves and trying</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 134..137**

Page 134	Page 136
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 to find a photograph of a certain box? Any idea?</p> <p>3 A. No idea. I never dealt with this. I don't</p> <p>4 know who this company is. I don't know.</p> <p>5 Q. All right. Well, go to the last page and</p> <p>6 there's an April 23rd e-mail from you where you write:</p> <p>7 "Hi, Patricia. I need your help. See attached. The</p> <p>8 FDA is asking for pictures of this particular box,</p> <p>9 more close-ups, so they can read all information on</p> <p>10 the box. Please search in the warehouse for the same</p> <p>11 box as this and take a good picture of it and send it</p> <p>12 to me. Thanks."</p> <p>13 Do you remember writing that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So does that refresh your</p> <p>16 recollection as to what you were asking Miss Sellino</p> <p>17 to do here?</p> <p>18 A. Umm, I remember now this was -- I called</p> <p>19 Stern but he couldn't take care of it and he asked me</p> <p>20 to contact his warehouse -- I think this was his</p> <p>21 warehouse, I assume -- putting this collection</p> <p>22 together. I needed a picture from the -- from the --</p> <p>23 from a certain shipment or something.</p> <p>24 Q. Okay. What were you trying to accomplish</p> <p>25 with the FDA when they were asking for pictures of</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 there's a photograph included in the e-mail.</p> <p>3 And then you respond that you're looking for</p> <p>4 something different.</p> <p>5 And then do you see you then write, "Is it</p> <p>6 possible to open one box per container to see if it's</p> <p>7 the same?"</p> <p>8 Do you see that you wrote that?</p> <p>9 A. Where?</p> <p>10 Q. In this second line of your April 23rd, 3:26</p> <p>11 p.m. e-mail.</p> <p>12 A. I don't recall, but could you...</p> <p>13 Q. Okay. And when you say "one box per</p> <p>14 container," do you know if you're referring again to</p> <p>15 a tissue box or to a carton?</p> <p>16 A. Carton.</p> <p>17 Q. Okay. You're looking not to see what the</p> <p>18 glove feels or looks like but what the packaging looks</p> <p>19 like; correct? In this e-mail.</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. But then you write: "Each container</p> <p>22 is one type of box. There are no two different boxes</p> <p>23 in a container. So from all JNS goods, we assume</p> <p>24 there should be one container at least with this box."</p> <p>25 Do you see that? You wrote that? Did I</p>
Page 135	Page 137
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 that particular box?</p> <p>3 A. I didn't try to accomplish nothing.</p> <p>4 FDA sometimes let's do a container based on</p> <p>5 -- the entry was done on my name, Kitchen Winners, it</p> <p>6 was done through our company, so the entity would</p> <p>7 clear customs.</p> <p>8 So what happened is that sometime because</p> <p>9 you have a good record or something, especially when</p> <p>10 it came to COVID, the FDA lets you pick up the</p> <p>11 container and after that they can ask you please send</p> <p>12 us a picture and satisfy that it's to code what they</p> <p>13 -- what was, umm -- I don't know how to pronounce</p> <p>14 it -- but what was given to them.</p> <p>15 Q. And --</p> <p>16 A. Let's assume, umm, you bring in an item and</p> <p>17 you gave it a classification. You give it a</p> <p>18 classification, as I understand. And you give a</p> <p>19 classification and based on that you pay a duty.</p> <p>20 And so the FDA can come back within a</p> <p>21 certain time and ask you to, if they didn't -- they</p> <p>22 didn't open up the container or they didn't -- they</p> <p>23 can ask for a box, for example.</p> <p>24 Q. Okay. So then on April 23rd, Miss Sellino</p> <p>25 writes: "Hershey, this is the best we can do." And</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 read that correctly?</p> <p>3 A. One second. One second. Where is that?</p> <p>4 Q. The next line down, starting this third and</p> <p>5 fourth line in your 3:26 p.m. e-mail.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So were you being accurate when you</p> <p>10 wrote this statement that "each container is one type</p> <p>11 of box; there are no two different boxes in a</p> <p>12 container"?</p> <p>13 A. Umm, I don't know. That's -- that was --</p> <p>14 again, I have to refresh my memory. But I don't know</p> <p>15 exactly what was the situation and what was the thing.</p> <p>16 I don't know what happened.</p> <p>17 Q. And this was like April 2021, middle of a</p> <p>18 pandemic, more than two-and-a-half years ago; correct?</p> <p>19 Or about two-and-a-half years ago; right? A little</p> <p>20 more.</p> <p>21 A. Okay.</p> <p>22 Q. Okay? So when you wrote this in April of</p> <p>23 2021, you know, is it safe to assume that you would</p> <p>24 want to be accurate when you wrote and made this</p> <p>25 statement?</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 138..141**

Page 138	Page 140
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. No, it doesn't -- it's not -- I was looking</p> <p>3 for something else and she didn't provide me that so I</p> <p>4 was trying to figure out what the issue is.</p> <p>5 Q. You were trying to help her look in the</p> <p>6 right place; correct?</p> <p>7 A. I don't think so. I was trying most to</p> <p>8 figure out what the issue is.</p> <p>9 Q. Okay. But you're not -- you're just telling</p> <p>10 her here to assume that each container only has one</p> <p>11 type of box, and that there are not two different</p> <p>12 boxes in a container?</p> <p>13 You wrote that here; right?</p> <p>14 A. Okay.</p> <p>15 Q. Okay. So were you being untruthful when you</p> <p>16 wrote this to her in April of 2021?</p> <p>17 A. I don't know if I was untruthful. I don't</p> <p>18 remember exactly.</p> <p>19 I remember that the FDA needed a box and I</p> <p>20 gave them a box and they was questioning another box.</p> <p>21 I don't know exactly what ended up happening. I don't</p> <p>22 remember exact detail.</p> <p>23 Q. Okay. And you're having her look at</p> <p>24 multiple containers; correct?</p> <p>25 A. I had her look in two or three containers.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 little and it's in the timeline, but I'm trying to be</p> <p>3 as efficient about this as possible.</p> <p>4 I placed before you a document that begins</p> <p>5 with Bates No. AKW-4204. It's an e-mail from Jimmy</p> <p>6 Esparza at md3pl.com to you.</p> <p>7 It says: "Hi, Joseph. Please see pictures</p> <p>8 below for container #CAIU965838. Jimmy."</p> <p>9 A. Yeah.</p> <p>10 Q. Do you have it open now?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So who is Jimmy Esparza?</p> <p>13 A. He worked for 3pl.</p> <p>14 Q. And that's your logistics provider; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And Rock Fintek's logistics provider of</p> <p>17 truck drivers would pick boxes up from that location;</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And tell me if I'm wrong on this.</p> <p>21 The truck would pull up to the warehouse and</p> <p>22 MD 3PL workers would load pallets into the Rock Fintek</p> <p>23 hired trucks and then they would go off to their own</p> <p>24 destinations; correct?</p> <p>25 A. Correct.</p>
Page 139	Page 141
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. And again, here you're just saying because</p> <p>3 all of the containers -- well, because all of the</p> <p>4 boxes and any given container are the same, you just</p> <p>5 need to find the one that has this box in it; right?</p> <p>6 A. I don't -- again, I don't understand your</p> <p>7 question.</p> <p>8 Q. I'm just trying to understand what you meant</p> <p>9 when you wrote here that each container is one type of</p> <p>10 box, there are no two different boxes in a container,</p> <p>11 so from all JNS goods, we assume there should be one</p> <p>12 container at least with this box.</p> <p>13 A. What I understand is that I asked her that</p> <p>14 the container should be the same. So she should give</p> <p>15 me the pictures, what I asked for.</p> <p>16 Q. So you would agree with me then that the</p> <p>17 boxes in any given container, from your understanding</p> <p>18 in April of 2021, should be the same?</p> <p>19 A. My understanding. My recollection.</p> <p>20 MR. RAKHUNOV: I guess that was</p> <p>21 Exhibit 9. The next one will be 10.</p> <p>22 (Defendant's Exhibit 10 marked for</p> <p>23 identification.)</p> <p>24 BY MR. RAKHUNOV:</p> <p>25 Q. I placed -- I know we're jumping around a</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. And Rock Fintek's --</p> <p>3 A. Sorry, sorry. One second. Can you repeat</p> <p>4 again?</p> <p>5 Q. Sure. The trucks would, you know, pull up</p> <p>6 to the MD 3PL locations, MD 3PL employees would load</p> <p>7 them, and then the trucks would leave to go wherever</p> <p>8 they need to go; is that accurate?</p> <p>9 A. To a certain extent.</p> <p>10 Q. Okay. Is there something you want to add or</p> <p>11 change to what I said?</p> <p>12 A. It wasn't like this exactly but, okay, let's</p> <p>13 go on.</p> <p>14 Q. Okay. Well, I -- look again, I don't -- I</p> <p>15 do want it to be accurate. So what -- you know, what</p> <p>16 would be different?</p> <p>17 A. Rock Fintek's truck would come every morning</p> <p>18 and start staying there nightly. There was no money.</p> <p>19 There was no communication. They started sitting and</p> <p>20 everybody said -- It's a long conversation.</p> <p>21 This was a drama. All day, every day, a</p> <p>22 drama. I had to call Arik and Arik Maimon was not up</p> <p>23 till 12:00. 12:00 started the whole negotiation.</p> <p>24 This was a whole -- a whole game, you know.</p> <p>25 I can't get into this whole game because I want to</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 142..145**

Page 142	Page 144
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 keep it as clean as possible.</p> <p>3 So for now at the moment, let's hear your</p> <p>4 question.</p> <p>5 Q. Okay. I think I understand where you're</p> <p>6 going and if we have time, maybe I will ask you about</p> <p>7 that --</p> <p>8 A. The main thing is, I don't think -- let's</p> <p>9 focus what you want. And if it's going to come up, I</p> <p>10 just don't want it to be straight -- this was a whole</p> <p>11 fiasco. Every morning and every afternoon and every</p> <p>12 day there was a whole conversation back and forth.</p> <p>13 Give me credit. Give me credit.</p> <p>14 It just wasn't -- a normal thing in the</p> <p>15 warehouse, you come to pick up, you need to make an</p> <p>16 appointment 48 hours before. And this was not done</p> <p>17 and the merchandise gets staged regularly and it's</p> <p>18 prepared and everything. And this was not done ever,</p> <p>19 ever, ever with Rock Fintek.</p> <p>20 Q. Okay. I understand. And I understand why</p> <p>21 you wanted to adjust your answer and I appreciate</p> <p>22 that. And you are right, my question was a little</p> <p>23 different.</p> <p>24 So taking into account what you just said</p> <p>25 about, you know, the timing and, you know, issues you</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. Yes.</p> <p>3 Q. Do you know whose hand that is?</p> <p>4 A. No.</p> <p>5 Q. That's not you?</p> <p>6 A. Let me check my hand.</p> <p>7 Q. Haha. This is three years ago.</p> <p>8 You don't know who that is?</p> <p>9 A. No.</p> <p>10 Q. Do you know who took these pictures?</p> <p>11 A. What?</p> <p>12 Q. Do you know who took these pictures?</p> <p>13 A. No.</p> <p>14 Q. If you go back up to the first page of</p> <p>15 the document, the e-mail that's forwarded to you by</p> <p>16 Mr. Esparza is someone named JasonWynn@hotmail.com.</p> <p>17 Do you know who that is?</p> <p>18 A. Jason -- one second. Jason -- Where?</p> <p>19 Q. Do you see in the middle of the first page?</p> <p>20 A. No, I don't know who that is.</p> <p>21 Q. Okay. We can probably figure it out though.</p> <p>22 We'll go ask MD 3PL.</p> <p>23 So do you know if these pictures are being</p> <p>24 taken inside the MD 3PL warehouse?</p> <p>25 A. I don't know. You should ask MD 3PL.</p>
Page 143	Page 145
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 had with Rock Fintek, which I'm sure they don't --</p> <p>3 they would have a different view of it, but my</p> <p>4 question is that the trucks were loaded by MD 3PL</p> <p>5 employees once whatever the timing issues were</p> <p>6 resolved for any given shipment; correct?</p> <p>7 A. Yeah, not me.</p> <p>8 Q. Okay. And not -- let's assume that one</p> <p>9 given shipment was being picked up by Demarco Trucking</p> <p>10 and it would not be a Demarco truck driver loading the</p> <p>11 pallets, okay; is that fair?</p> <p>12 A. I'm not sure. I don't know.</p> <p>13 Q. Did you know that whether at that time</p> <p>14 period, whether outsiders like Demarco employees would</p> <p>15 be allowed in MD 3PL warehouses, given the protocols?</p> <p>16 A. No, MD 3PL had to hassle with them and make</p> <p>17 sure the drivers could go in and inspect the goods.</p> <p>18 And I know also that, I don't know who at</p> <p>19 Rock Fintek, but they got through Demarco pictures</p> <p>20 because the driver's would take pictures.</p> <p>21 Q. Okay. So look at the pictures attached to</p> <p>22 this e-mail. So let's go to the second picture. It's</p> <p>23 on Page 3.</p> <p>24 Do you see a photograph with a hand that has</p> <p>25 some bracelets on it, on the right?</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Yeah, we've tried.</p> <p>3 If you go to Page 6 of the document.</p> <p>4 A. Page 6?</p> <p>5 Q. Yeah, Page 6.</p> <p>6 Do you see the photograph of a pallet in the</p> <p>7 foreground and then other pallets in the background</p> <p>8 that are shrink wrapped and those pallets have a</p> <p>9 printed out piece of paper.</p> <p>10 The one in the foreground says Kitchen</p> <p>11 Winners. It has a long number on it. And then it</p> <p>12 says Nitrile Examination Gloves Size XL.</p> <p>13 Do you see that?</p> <p>14 A. Nitrile Examination Gloves Size XL, yeah.</p> <p>15 Q. All right. You don't have any reason to</p> <p>16 doubt that that label was placed on this pallet by</p> <p>17 MD 3PL at their warehouse, do you?</p> <p>18 A. Again, the question, can you repeat?</p> <p>19 Q. Yeah.</p> <p>20 Do you have any reason to doubt that this</p> <p>21 label was attached to this pallet by the employees at</p> <p>22 the MD 3PL warehouse?</p> <p>23 A. If I have a doubt?</p> <p>24 Q. Yeah.</p> <p>25 A. I don't know.</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 146..149**

Page 146	Page 148
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. You would agree with me that no one from</p> <p>3 Rock Fintek is copied on this e-mail; correct?</p> <p>4 A. Yeah, but it could be that the driver, when</p> <p>5 he picked up, he printed out these papers and he put</p> <p>6 them there. I don't know.</p> <p>7 Q. Okay. Well, look at the --</p> <p>8 A. We could agree when the driver, when he</p> <p>9 picked up goods, he could have come with papers and</p> <p>10 pick up. I don't know.</p> <p>11 Q. Well, stay on Page 6 with me.</p> <p>12 Do you see -- and if you need to maybe</p> <p>13 enlarge it a little bit on your iPad -- do you see in</p> <p>14 the background there are shrink wrapped pallets that</p> <p>15 have this piece of paper inside the shrink wrapping</p> <p>16 that are hoisted way up top?</p> <p>17 Do you see that?</p> <p>18 Way up top in the top of the picture there's</p> <p>19 another pallet and then inside it, you can see the</p> <p>20 shininess over the paper. There's another label that</p> <p>21 says Kitchen Winners and it has different container</p> <p>22 numbers on it. It's a little harder to read from far</p> <p>23 away.</p> <p>24 Do you see that?</p> <p>25 A. No, I don't know where you're talking about.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Demarco or the driver. I don't know if Demarco would</p> <p>3 know. You have to ask each driver.</p> <p>4 I don't know what the request was. I know</p> <p>5 the request from -- was to get pictures for, umm, for</p> <p>6 Rock Fintek and open up more boxes and check.</p> <p>7 But I don't know who put the label. I</p> <p>8 definitely did not put the label there.</p> <p>9 Q. You, yourself -- I'm not suggesting you,</p> <p>10 yourself, did.</p> <p>11 But is it your testimony that your warehouse</p> <p>12 logistics providers were not tasked with shrink</p> <p>13 wrapping the pallets before they were picked up by</p> <p>14 Rock Fintek's and other customers' drivers?</p> <p>15 A. Again, my testimony is that there was shrink</p> <p>16 wrap but the paper, anybody could put in. It's a</p> <p>17 lose -- Shrink wrap, you can pull it, shlep it, you</p> <p>18 know, I don't know what that means, but can pull it a</p> <p>19 little bit and you can slide in the paper. It's very</p> <p>20 normal.</p> <p>21 Q. And if you go to Page 8 of these document --</p> <p>22 A. One second, sorry. Page 8. Yes, okay.</p> <p>23 Q. Okay. We see another label here that says</p> <p>24 Kitchen Winners and it has a number on it and then it</p> <p>25 says Nitrile Examination Gloves Size M.</p>
Page 147	Page 149
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 I see a label, a small square label on top of a blue</p> <p>3 pallet.</p> <p>4 Q. Okay. And then go to the top row of the</p> <p>5 boxes above that.</p> <p>6 Do you see it says Kitchen Winners and then</p> <p>7 starts with TCNU?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. You're not saying that a Rock Fintek</p> <p>10 truck driver shrink wrapped that label inside over the</p> <p>11 pallet; is that your testimony?</p> <p>12 A. I don't know. I said I don't know. It</p> <p>13 could be that they put -- when they came to pick up,</p> <p>14 they put it in there. I don't know.</p> <p>15 Q. Well, who did the shrink wrapping of the</p> <p>16 pallets for shipments that were picked up from MD 3PL?</p> <p>17 A. It could be the driver.</p> <p>18 Q. You weren't paying your warehouse for shrink</p> <p>19 wrapping.</p> <p>20 A. Again, but I know the drivers went to the</p> <p>21 back, so I don't know. It could be that sometimes</p> <p>22 the driver, because they push them in, it depends,</p> <p>23 sometimes the driver will say, "Okay, I will help. I</p> <p>24 will do anything."</p> <p>25 So I don't know. You have to ask the</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And the shrink wrapping goes all the way up</p> <p>5 to some boxes at the very top and it looks like it</p> <p>6 actually goes over the top of the pallet.</p> <p>7 Do you see that?</p> <p>8 A. Philip, you want to come down to the</p> <p>9 warehouse and I will show you how it is.</p> <p>10 Q. Well, would you agree with me it would be --</p> <p>11 A. No, I worked at one point in the warehouse</p> <p>12 here in Brooklyn and it's very possible a driver comes</p> <p>13 and he needs to put it in. It's very normal.</p> <p>14 Q. Okay. And if a Demarco representative</p> <p>15 testified that the drivers were not allowed in the</p> <p>16 warehouses because of COVID protocol at that time, do</p> <p>17 you have any reason to believe --</p> <p>18 A. I heard him testifying and that's totally</p> <p>19 wrong because they took pictures and send it to either</p> <p>20 Tommy or to Bradley. There was clearly pictures going</p> <p>21 on with the inspections.</p> <p>22 Q. In every warehouse at MD 3PL warehouses?</p> <p>23 A. At the pickup. I didn't say every pick up</p> <p>24 but randomly they did the inspections.</p> <p>25 Q. Aren't those pictures taken from once the</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 150..153**

Page 150	Page 152
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 containers were loaded onto the trucks?</p> <p>3 A. Again, what did you say? Containers --</p> <p>4 Q. I'm sorry, the pallets.</p> <p>5 A. How is the container loaded into the truck?</p> <p>6 Q. Let me rephrase the question.</p> <p>7 A. Give me the question.</p> <p>8 Q. Weren't the pictures taken once the pallets</p> <p>9 were loaded into the trucks?</p> <p>10 A. So that's where the driver stands and he</p> <p>11 watches how it gets loaded and he puts in the paper.</p> <p>12 Q. Oh, okay. So is that -- so I just want to</p> <p>13 make sure. Is that --</p> <p>14 (Simultaneous talking. Instruction</p> <p>15 from Madame court reporter.)</p> <p>16 BY MR. RAKHUNOV:</p> <p>17 Q. So my question is: Are you saying that this</p> <p>18 is what happened, that Rock Fintek drivers slipped in</p> <p>19 these sheets into the pallets?</p> <p>20 A. I didn't say -- I said it could be as well.</p> <p>21 I worked in the warehouse and I told you</p> <p>22 before that this could be a protocol, a driver come in</p> <p>23 with sheets and put it in.</p> <p>24 I didn't say that either yes or either no.</p> <p>25 I don't know.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 piece of paper --</p> <p>3 A. Hold on a second, I have to go back.</p> <p>4 Q. Either Page 8 or 6. It doesn't matter. The</p> <p>5 question will be the same.</p> <p>6 A. Sorry, Phillip, I want to see when talking</p> <p>7 to you and I need to see if you stopped talking.</p> <p>8 That's why when I look at the picture, I can't see if</p> <p>9 you stopped or not.</p> <p>10 I'm on eight now.</p> <p>11 Q. Okay, you're on eight. Let me go there too.</p> <p>12 So do you see under the word Kitchen Winners</p> <p>13 there's a number.</p> <p>14 MR. RAKHUNOV: For the record, it's</p> <p>15 MATU-2682625.</p> <p>16 BY MR. RAKHUNOV:</p> <p>17 Q. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you have an understanding as to</p> <p>20 what that number refers to?</p> <p>21 A. No.</p> <p>22 Q. Okay. You don't believe that's a container</p> <p>23 number?</p> <p>24 A. I don't believe so. I don't know.</p> <p>25 Q. Okay. Let me ask you, assuming that this</p>
Page 151	Page 153
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Let me ask you -- but this is an e-mail from</p> <p>3 your warehouse? Your warehouse, not from someone</p> <p>4 else; right? And there's no --</p> <p>5 A. One second. You say I talk over you.</p> <p>6 Yes, the warehouse send it to me but the</p> <p>7 driver is still sitting there and when they take the</p> <p>8 pictures, he's putting it in. I don't understand</p> <p>9 where the discrepancy were.</p> <p>10 I didn't say that it didn't come from my</p> <p>11 warehouse from 3PL. I didn't say that I know for a</p> <p>12 fact.</p> <p>13 I just said just to your knowledge it could</p> <p>14 -- the drivers were inside inspecting and helping to</p> <p>15 push out the loads because there was a backup as I</p> <p>16 told you.</p> <p>17 Every load was stressful. Drivers sitting</p> <p>18 there 23 hours and they help push them in. So they</p> <p>19 were willing to help to do anything to get this load</p> <p>20 loaded.</p> <p>21 Q. Do you know why -- I didn't see an e-mail</p> <p>22 from you so do you remember why Mr. Esparza was</p> <p>23 actually sending you photographs of these pallets?</p> <p>24 A. I don't recall.</p> <p>25 Q. So staying on Page 8, if we look at that</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 refers to a container number, let's just make that</p> <p>3 assumption, would a Rock Fintek driver know the number</p> <p>4 of a container that arrives to your warehouse from</p> <p>5 China?</p> <p>6 A. I don't assume. I don't know.</p> <p>7 Q. Okay. Are you aware of what a packing list</p> <p>8 is in connection with a glove shipment?</p> <p>9 A. Yes.</p> <p>10 Q. What is your understanding of what a packing</p> <p>11 list is?</p> <p>12 A. A packing list has how many cartons is on</p> <p>13 the container.</p> <p>14 Q. What kind of information is typically</p> <p>15 contained in a packing list?</p> <p>16 A. It varies. Everybody does it the way they</p> <p>17 want to do it. It doesn't have -- it has -- some</p> <p>18 people put an item number, some people put a product,</p> <p>19 some people put a -- everybody does it different.</p> <p>20 It's done by a shipping company or</p> <p>21 something, so I don't know. Everybody does it</p> <p>22 different.</p> <p>23 Q. So for gloves that were originating with</p> <p>24 MedCare or GTS, they were the ones that created the</p> <p>25 packing list when they put the containers on the</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 154..157**

Page 154	Page 156
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 vessels in China or their shipping company?</p> <p>3 A. Umm, I don't know if it's their shipping</p> <p>4 company -- or a shipping company, umm, or they. I</p> <p>5 don't know who create it.</p> <p>6 Q. Okay. Let me just show you a document so</p> <p>7 we're not --</p> <p>8 A. I can go off of Number 8? I'm still on</p> <p>9 Number 8. I'm sorry, I apologize.</p> <p>10 Q. Oh, no, don't apologize. We're done with</p> <p>11 that one.</p> <p>12 A. That's why I overlap when talking to you</p> <p>13 because when I go into a document you have to have a</p> <p>14 little patience with me because I don't see your</p> <p>15 screen and I don't know if you stopped talking or not.</p> <p>16 Q. I will say this. When we do finish this up,</p> <p>17 perhaps tomorrow morning, if you do have a laptop</p> <p>18 available, it will make it go even faster.</p> <p>19 A. I'm traveling, that's impossible.</p> <p>20 Q. All right.</p> <p>21 (Defendant's Exhibit 11 marked for</p> <p>22 identification.)</p> <p>23 BY MR. RAKHUNOV:</p> <p>24 Q. I just put another document into the chat</p> <p>25 box. So this is another one from your production.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 that were produced to us as attachments. And let's</p> <p>3 just look at the first one. It's on Page 3 of the</p> <p>4 document.</p> <p>5 Do you see it says at the top Packing List?</p> <p>6 It has the name of Dongguan Grinvald Technology. It</p> <p>7 has a date. And it says to Kitchen Winners.</p> <p>8 Are you with me so far?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And then there's a little -- it looks</p> <p>11 like this came as an Excel document. It has a</p> <p>12 production name, which identifies at least these</p> <p>13 packing lists as having Nitrile Examination Gloves.</p> <p>14 Do you see that?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. And then it has quantity, accounts,</p> <p>17 and some other information in this document.</p> <p>18 Do you see that?</p> <p>19 A. Again, quantity, yes. And what? Accounts?</p> <p>20 Q. Yes. There's a whole bunch of information</p> <p>21 about the gloves; right?</p> <p>22 A. I don't see information but I see account.</p> <p>23 Q. Account, volume, and some others and weight?</p> <p>24 A. Account and quantity is the same. What</p> <p>25 else?</p>
Page 155	Page 157
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 It's Bates labeled AKW-3340. It's a nine page</p> <p>3 document.</p> <p>4 The e-mail on April 27, 2021 is from someone</p> <p>5 CiCi-GTS@hotmail.com.</p> <p>6 Do you remember who Cici -- if that's how</p> <p>7 you pronounce it -- at GTS is?</p> <p>8 A. I don't recall.</p> <p>9 Q. All right. The e-mail address suggested</p> <p>10 someone -- well, actually, look at the signature box.</p> <p>11 Cici Chen at Dongguan Grinvald Technology.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. That is GTS; right? Or we've been referring</p> <p>15 to it as MedCare?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. If you go to the bottom of the first</p> <p>18 page, do you see there's an e-mail from you to Cici</p> <p>19 and you ask for invoice and packing lists for the</p> <p>20 containers that shipped; right?</p> <p>21 A. Yes.</p> <p>22 Q. And there's seven attachments to these</p> <p>23 e-mail, as you can see on Page 2; correct?</p> <p>24 A. Correct.</p> <p>25 Q. And then following that are seven documents</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. That's it.</p> <p>3 Then look at the three numbers below -- the</p> <p>4 letter number combinations below the table. One</p> <p>5 begins with MATS and then ESPU and then MATU.</p> <p>6 Do you see those three numbers?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know what those number-letter</p> <p>9 combinations refer to?</p> <p>10 A. No.</p> <p>11 Q. Okay. You don't know these to be container</p> <p>12 numbers?</p> <p>13 A. No.</p> <p>14 Q. Do you have any reason to disagree with</p> <p>15 testimony by someone else that these are container</p> <p>16 numbers?</p> <p>17 A. I don't know. I didn't say I disagree. I</p> <p>18 don't know.</p> <p>19 Q. That's fine. That's what I'm asking you.</p> <p>20 A. I don't know if these are the container</p> <p>21 numbers. If I don't know, I don't know. I can't tell</p> <p>22 you something that I don't know.</p> <p>23 Q. Okay. Well, you knew in April, because when</p> <p>24 you wrote -- if you go back to Page 1 to your e-mail</p> <p>25 to Cici, you actually write: "Please send invoice and</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 158..161**

Page 158	Page 160
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 packing lists for the below containers."</p> <p>3 And you list a number of container numbers;</p> <p>4 correct?</p> <p>5 A. Okay. And then this is container numbers,</p> <p>6 yeah, maybe.</p> <p>7 Q. Okay. Well -- okay.</p> <p>8 So is it fair to say that you understood,</p> <p>9 at least in April of 2021, that, for example, ESPU-</p> <p>10 8023819 stands for a container number?</p> <p>11 A. It's fair to say from here that it's</p> <p>12 container number, yeah.</p> <p>13 Q. Okay. And these particular container</p> <p>14 numbers have -- or at least represented to have the</p> <p>15 types of gloves that are listed in the seven</p> <p>16 attachments that you produced in this case; correct?</p> <p>17 A. Again, what's the question again?</p> <p>18 Q. Withdrawn.</p> <p>19 Is it fair to say that MedCare provided you</p> <p>20 with similar invoices and packing lists for all</p> <p>21 shipments of gloves that you obtained from them?</p> <p>22 A. I don't know. I would have to check.</p> <p>23 Q. Okay. Well, would you have produced all of</p> <p>24 those packing invoices and -- shipping invoices and</p> <p>25 packing lists in this case?</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Okay. Do you recognize the types of</p> <p>3 documents in Exhibit 12? It's a four page document.</p> <p>4 A. I think it's a Bill of Lading.</p> <p>5 Q. And who is T-Z Cargo Limited?</p> <p>6 A. T-Z Cargo Limited is a forwarded company out</p> <p>7 of China.</p> <p>8 Q. And who hired them? Was it someone you</p> <p>9 hired or someone MedCare hired?</p> <p>10 A. Someone that I hired.</p> <p>11 Q. And they ship the products to you from the</p> <p>12 warehouses in China; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And if -- do you know -- if you go in the</p> <p>15 middle of the document where it says number and</p> <p>16 description of packages and goods, it simply just says</p> <p>17 "gloves"; right?</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. It doesn't describe the types of gloves that</p> <p>21 are inside the containers; is that fair?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And then do you see, at least on the</p> <p>24 first page, the word "surrender"?</p> <p>25 Do you know what that means?</p>
Page 159	Page 161
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 MR. SPERBER: Objection to form.</p> <p>3 A. I think so, to the best of my knowledge.</p> <p>4 Q. All right.</p> <p>5 THE WITNESS: Please tell me when I</p> <p>6 can get out of this page because I don't</p> <p>7 see you guys.</p> <p>8 MR. RAKHUNOV: You can get out of</p> <p>9 that one.</p> <p>10 THE WITNESS: No, because when you</p> <p>11 stop and I'm staying in there, I don't</p> <p>12 know if you're done with this or not.</p> <p>13 I'm sorry, I keep on jumping back and</p> <p>14 forth.</p> <p>15 MR. RAKHUNOV: No problem. All</p> <p>16 right.</p> <p>17 (Whereupon, a recess was taken.)</p> <p>18 MR. RAKHUNOV: I'm putting a new</p> <p>19 exhibit into chat box. This will be</p> <p>20 Number 12.</p> <p>21 (Defendant's Exhibit 12 marked for</p> <p>22 identification.)</p> <p>23 BY MR. RAKHUNOV:</p> <p>24 Q. Let me know when you have that open.</p> <p>25 A. Yes.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. Surrender would be --</p> <p>3 Q. Do you know what that means with respect to</p> <p>4 the gloves here?</p> <p>5 A. Where do you see -- First, I don't see</p> <p>6 "surrender."</p> <p>7 Q. In the big, bold letters on the first page.</p> <p>8 A. I don't have the slightest idea what it</p> <p>9 means.</p> <p>10 Q. Okay. And then under that do you see on the</p> <p>11 left-hand side there are some letters and numbers</p> <p>12 separated by some slashes and the first two look like</p> <p>13 the same numbers we saw in the packing list a few</p> <p>14 minutes ago?</p> <p>15 Do you see that? One starts ESPU and</p> <p>16 another one starts with MATU?</p> <p>17 A. Yes.</p> <p>18 Q. Those are, again, container numbers; correct?</p> <p>19 A. No, it doesn't mean it's container number.</p> <p>20 I think now when I look at it it's Bill of Lading</p> <p>21 numbers.</p> <p>22 Q. Well, if you look at the top of the Bill of</p> <p>23 Lading, top right, do you see an actual box for Bill</p> <p>24 of Lading number and it's a different number?</p> <p>25 A. Yes, okay.</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 162..165**

Page 162	Page 164
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Does that help distinguish container number</p> <p>3 from Bill of Lading number?</p> <p>4 A. I don't know.</p> <p>5 But you see on the next box it says -- I</p> <p>6 don't know what it's says. What does it say? I can't</p> <p>7 read it. It says 6000?</p> <p>8 What does it say over there?</p> <p>9 Q. I'm not sure what you're referring to.</p> <p>10 A. Next to the Bill of Lading number, the other</p> <p>11 number and it says there something.</p> <p>12 Q. Manifest number?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you know what that is?</p> <p>15 A. No. Manifest might be some paperwork. I</p> <p>16 don't know.</p> <p>17 Q. Okay. If these numbers are exactly the same</p> <p>18 -- if the numbers I just asked you about that begin</p> <p>19 with ESPU and MATU, are exactly the same as the</p> <p>20 numbers that you asked in the e-mail before to -- if</p> <p>21 you identify them as container numbers, then we can</p> <p>22 agree that these are container numbers; yes?</p> <p>23 A. Umm, I assume so.</p> <p>24 Q. Okay. All right. You can close that one.</p> <p>25 A. I just want to tell you something. Look at</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. So again, the MedCare folks are providing</p> <p>5 you with invoices and packing lifts for another</p> <p>6 shipment?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So let me ask you a question.</p> <p>9 So we looked at the Excel spread sheet</p> <p>10 earlier with the pack lists, and I think that we all</p> <p>11 agree that there's more than 50 pickups by Rock Fintek</p> <p>12 of gloves under the SPA or -- Are we good so far?</p> <p>13 Do you agree with that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you know of how many shipments</p> <p>16 from MedCare comprised those 50 plus shipments that</p> <p>17 Rock Fintek picked up?</p> <p>18 A. I don't know, but I would assume 65, 70.</p> <p>19 Q. So the shipments that came in from MedCare</p> <p>20 were then on average smaller than the shipments that</p> <p>21 came in from -- that were then picked up by Rock</p> <p>22 Fintek during the performance of the SPA?</p> <p>23 A. No, not -- not all of them. Some of them.</p> <p>24 Q. Okay.</p> <p>25 And looking now at Exhibit 13 where it's an</p>
Page 163	Page 165
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 -- again, I bring it to your attention.</p> <p>3 You see something original, a number on the</p> <p>4 top 0046.</p> <p>5 Do you see that? It's cut off.</p> <p>6 Q. Okay.</p> <p>7 A. So I don't know, I'm not so familiar with</p> <p>8 the Bill of Lading.</p> <p>9 Q. Okay. Let's take a quick look at another</p> <p>10 document. This is --</p> <p>11 A. One second. My plug fell out. I don't want</p> <p>12 my power to get disconnected.</p> <p>13 Q. Okay.</p> <p>14 (Defendant's Exhibit 13 marked for</p> <p>15 identification.)</p> <p>16 BY MR. RAKHUNOV:</p> <p>17 Q. Let me know when you have that open. It</p> <p>18 says now 13. This is now Exhibit 13.</p> <p>19 So it's a one-page document with an e-mail</p> <p>20 without the attachments, again May 4, 2021, produced</p> <p>21 by you, and it's an e-mail from Cici-GTS@hotmail to</p> <p>22 you, Mr. Banon, and some others.</p> <p>23 A. Yes.</p> <p>24 Q. It says, "Please see attached shipping</p> <p>25 invoice and packing list for last week."</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 e-mail from Anna -- I'm sorry, from Cici that copies</p> <p>3 Anna and you attaching shipping invoice and packing</p> <p>4 lists, do you recall that it was MedCare's custom and</p> <p>5 practice to send certainly invoices to you for all</p> <p>6 shipments; is that fair?</p> <p>7 A. I don't -- I didn't get nothing from you. I</p> <p>8 don't know what you're talking about.</p> <p>9 You said you put me in something to look at.</p> <p>10 Q. Do you have that --</p> <p>11 A. Rephrase your question. I thought that you</p> <p>12 were putting in something to look at.</p> <p>13 Q. No, no, we are still looking at the last</p> <p>14 exhibit, the May 4th e-mail from Cici to you.</p> <p>15 A. And?</p> <p>16 Q. Okay. Do you have it?</p> <p>17 A. (No response heard.)</p> <p>18 Q. MedCare sent you invoices for every</p> <p>19 shipment; right? They wanted to get paid?</p> <p>20 A. To the best of my recollection.</p> <p>21 Q. Okay. With the invoices, they enclosed in</p> <p>22 the same Excel document as the invoice packing lists</p> <p>23 for each shipment; correct?</p> <p>24 A. What? What again?</p> <p>25 Q. Do you see in this document before you,</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 166..169**

Page 166	Page 168
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 each attachment has a shipping invoice and a packing</p> <p>3 list within the same document for any given container?</p> <p>4 A. No.</p> <p>5 Q. You don't see that?</p> <p>6 Do you see each attachment is entitled</p> <p>7 shipping invoice and PL for -- and it has a container</p> <p>8 number?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So in multiple e-mails that we've</p> <p>11 seen, MedCare is sending you invoices and packing</p> <p>12 lists together? Yes?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And you've testified that there</p> <p>15 are about 60 or maybe more shipments that you received</p> <p>16 from MedCare for gloves that were sold to Rock Fintek;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Now, would it surprise you if I told</p> <p>20 you that we've only received from your attorney in</p> <p>21 discovery five such e-mails containing invoices and</p> <p>22 packing lists and nothing close to the 60 that you're</p> <p>23 describing?</p> <p>24 A. That would be very surprising because when</p> <p>25 I saw discoveries that we sent out to you was much</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 it in your production.</p> <p>3 Q. Yeah, so not my question, though.</p> <p>4 My question is that the amounts -- the</p> <p>5 number of gloves from MedCare to Kitchen Winners</p> <p>6 should be at least as much, and like you said probably</p> <p>7 more, than the number of gloves delivered to Rock</p> <p>8 Fintek during that time period; correct?</p> <p>9 A. Assuming, yeah.</p> <p>10 Q. All right. You can close that document.</p> <p>11 MR. RAKHUNOV: And I know we're</p> <p>12 starting to run out of the afternoon</p> <p>13 today.</p> <p>14 Let me just quickly change gears</p> <p>15 here. I'm putting in Exhibit 14.</p> <p>16 (Defendant's Exhibit 14 marked for</p> <p>17 identification.)</p> <p>18 BY MR. RAKHUNOV:</p> <p>19 Q. Do you recognize the document before you in</p> <p>20 Exhibit 14?</p> <p>21 A. No.</p> <p>22 Q. You don't recognize this to be the Sales and</p> <p>23 Purchase Agreement between Kitchen Winners and Rock</p> <p>24 Fintek?</p> <p>25 A. I'm going to look now. I don't know. Let's</p>
Page 167	Page 169
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 more than that.</p> <p>3 Q. So -- and if we got the right number of</p> <p>4 documents, the right documents, then we should be able</p> <p>5 to reconcile the amount of gloves in the invoices and</p> <p>6 packing lists from MedCare to those that Rock Fintek</p> <p>7 picked up from you; correct?</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. Because I had other customers also not only</p> <p>11 Rock Fintek.</p> <p>12 Q. Okay. So then there should be more coming</p> <p>13 from MedCare than what was sold to Rock Fintek?</p> <p>14 A. Ask my attorney. He went into my computer</p> <p>15 and made a search.</p> <p>16 I didn't do the search because I am not</p> <p>17 familiar with computer. He had somebody else and I</p> <p>18 opened them up, my computer, and I said, "Have a field</p> <p>19 day and go in and do everything you need."</p> <p>20 And to my knowledge, I saw way more than</p> <p>21 four and way more than five and way more than ten. So</p> <p>22 I don't know, or you lost it or you misplaced it. So</p> <p>23 please --</p> <p>24 Q. And I'm not -- and I'm not --</p> <p>25 A. I'm still talking, I'm sorry. Please find</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 see.</p> <p>3 Between Kitchen Winners and Rock Fintek,</p> <p>4 yeah.</p> <p>5 Q. If you go to Page 4 of the document.</p> <p>6 A. Four, yeah.</p> <p>7 Q. And is that your signature at the top?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you signed on behalf of Kitchen</p> <p>10 Winners; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And then just below that, Joseph Mendlowitz</p> <p>13 signs on behalf of Adorama; correct?</p> <p>14 A. Joseph Mendlowitz on behalf of Adorama,</p> <p>15 yeah.</p> <p>16 Q. And Adorama is a party to this agreement;</p> <p>17 correct?</p> <p>18 A. Yeah, as the buyer.</p> <p>19 Q. You mean seller?</p> <p>20 A. No, I mean buyer.</p> <p>21 Q. Adorama is the buyer under this agreement?</p> <p>22 A. Maybe, I don't know.</p> <p>23 Q. What is Adorama buying from you that --</p> <p>24 A. I don't know. It doesn't say what Adorama</p> <p>25 is.</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 170..173**

Page 170	Page 172
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Do you see just below that there's an under-</p> <p>3 line heading "Buyer"?</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Under that there's a signature by Bradley</p> <p>7 Gilling on behalf of Rock Fintek; do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And the underlined heading above that under</p> <p>10 "Seller" is Kitchen Winners and Adorama; correct?</p> <p>11 A. No, Kitchen Winners is seller not Adorama.</p> <p>12 Q. Okay. Is there a label for Adorama's role</p> <p>13 as a signatory to this agreement?</p> <p>14 A. As we told Arik Maimon that Adorama is going</p> <p>15 to give me a loan for the money and he's guaranteed me</p> <p>16 the loan.</p> <p>17 Q. Okay. So when did you tell Arik Maimon</p> <p>18 this?</p> <p>19 A. All the phone conversations that we had.</p> <p>20 Q. Do you recall having a telephone</p> <p>21 conversation on which Mr. Gilling and Mr. Kato were</p> <p>22 present in negotiating this agreement?</p> <p>23 A. No.</p> <p>24 Q. You've heard both of them testify being on a</p> <p>25 phone call with you and with Mr. Mendlowitz prior to</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 want to make sure that the record is clear.</p> <p>3 What did you do to make sure that the gloves</p> <p>4 that Kitchen Winners sold to Rock Fintek complied with</p> <p>5 those specifications of being blue medical exam grade</p> <p>6 with FDA 510k?</p> <p>7 A. First, I produced the paperwork, as I told</p> <p>8 you, and then I took it to professionals in the</p> <p>9 industry and I asked them if that's -- with the</p> <p>10 paperwork, if it lines up and if it's medical grade</p> <p>11 with FDA 510k and they reviewed it.</p> <p>12 After that when it came in, I inspected the</p> <p>13 color blue; I inspected whatever I could inspect with</p> <p>14 my eyesight, but I'm not a professional to make a test</p> <p>15 and nobody could make that.</p> <p>16 Q. And just so there's no confusion. Other</p> <p>17 than Mr. Gombo (ph), was there any other professional</p> <p>18 who you relied on to test the gloves?</p> <p>19 A. Yes, we spoke about that and I told you</p> <p>20 there was several other ones.</p> <p>21 Q. Okay. But you couldn't remember any of</p> <p>22 them?</p> <p>23 A. Oh, yeah, I told you Dynarex and I told you</p> <p>24 another two, which I don't remember.</p> <p>25 Q. You said you replied --</p>
Page 171	Page 173
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 signing this agreement?</p> <p>3 You heard that testimony; right?</p> <p>4 A. Yes, and we asked to provide proof and it</p> <p>5 was never provided.</p> <p>6 Q. I'm asking if you heard that testimony;</p> <p>7 right?</p> <p>8 A. I answered you: I heard the testimony, we</p> <p>9 asked for proof, and you never provided it. I</p> <p>10 answered you. I don't think I was public (ph). I was</p> <p>11 very clear.</p> <p>12 Q. Okay. And you would agree with me that this</p> <p>13 -- Okay, let's go to paragraph one of the Sale and</p> <p>14 Purchase Agreement.</p> <p>15 A. Let me go back. Hold on.</p> <p>16 Q. Yeah, Page 1.</p> <p>17 A. Page 1, yeah. Okay, that's Page 1. I'm</p> <p>18 here by Page 1.</p> <p>19 Q. Under Products, you agree with me that this</p> <p>20 contract identifies Nitrile Gloves (Box 100) color</p> <p>21 blue, medical exam grade with FDA 510k?</p> <p>22 A. Medical exam grade.</p> <p>23 Q. With FDA 510k; correct?</p> <p>24 A. Correct.</p> <p>25 Q. And I think I may have asked you this but I</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. I don't see.</p> <p>3 I told you Dynarex and you even told me that</p> <p>4 Dynarex doesn't have nice things to say about me.</p> <p>5 Q. I remember that.</p> <p>6 A. Oh, okay. I just wanted --</p> <p>7 (Simultaneous conversation.)</p> <p>8 BY MR. RAKHUNOV:</p> <p>9 Q. Mr. Weiner, you're speaking over --</p> <p>10 A. I told you -- I'm sorry, one second. You</p> <p>11 don't see me -- I don't know if you can see me. I</p> <p>12 don't see you when I open the paper. So you have to</p> <p>13 tell me or I can close it so I can see if you stopped</p> <p>14 or what.</p> <p>15 I don't know sometimes if you finished a</p> <p>16 sentence or not. I apologize. Let's do it a</p> <p>17 different way.</p> <p>18 I mean when I open up my screen, now I see</p> <p>19 you. I can see if you're talking or you're stopping.</p> <p>20 Q. Just let me ask a question.</p> <p>21 A. Sure.</p> <p>22 Q. Let me ask the question.</p> <p>23 So did you hire Dynarex to review the gloves</p> <p>24 that you would be selling to Rock Fintek to make sure</p> <p>25 that they were compliant with this SPA?</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 174..177**

Page 174	Page 176
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 A. I didn't hire nobody. I went to consult</p> <p>3 with people.</p> <p>4 Q. So Mr. Gombo wasn't someone you hired? He</p> <p>5 was just a friend that you showed the gloves to?</p> <p>6 A. I went to the industry, the people that buy</p> <p>7 the highest volume of the gloves, and I spoke to them.</p> <p>8 Q. Did you have any formal testing performed on</p> <p>9 the gloves? Testing, chemical or physical testing?</p> <p>10 A. I have from Anna Grinvald.</p> <p>11 Q. You relied on whatever paperwork she gave</p> <p>12 you; correct?</p> <p>13 A. On the testing.</p> <p>14 Q. Okay. Look back at the Sales and Purchase</p> <p>15 Agreement, please. And I will point you to a line and</p> <p>16 then maybe you can close it while you answer the</p> <p>17 question so you can see me.</p> <p>18 A. Okay.</p> <p>19 Q. So then you see it says Brand, MedCare</p> <p>20 examination glove?</p> <p>21 A. I didn't open it. One second. Hold on.</p> <p>22 Brand, MedCare examination gloves.</p> <p>23 Q. So that's a brand, not a glove</p> <p>24 specification; correct?</p> <p>25 A. Correct, MedCare.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 contract right now, I don't know it had to say on the</p> <p>3 box "examination" but that's my lawyer would have to</p> <p>4 -- Okay, what? 2b? Okay, yes.</p> <p>5 Q. I'm sorry, I didn't hear what you just said.</p> <p>6 You're looking at the contract right now and</p> <p>7 what?</p> <p>8 A. I see now it doesn't say that it has to be</p> <p>9 -- say on the box "examination glove." It says it has</p> <p>10 to be an examination glove. Maybe the box can have</p> <p>11 whatever it wants. But it doesn't say.</p> <p>12 But what's the difference? That's what my</p> <p>13 lawyer should do.</p> <p>14 Q. All right. So under Payment Terms in</p> <p>15 Paragraph 2c, the contract says "Buyer shall pay</p> <p>16 seller in full by wire transfer of funds for each</p> <p>17 container delivered to the seller's warehouse in Los</p> <p>18 Angeles, California."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And Rock Fintek, in fact, paid by wire</p> <p>22 transfer; correct?</p> <p>23 A. Correct.</p> <p>24 Q. Who did they wire the money to?</p> <p>25 A. Again, on my behalf I told them to wire the</p>
Page 175	Page 177
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Okay. Examination glove; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And do you agree with me that a brand is</p> <p>5 something that's written on the packaging; correct?</p> <p>6 A. Not always.</p> <p>7 Q. Well, if the packaging says something</p> <p>8 different than MedCare examination glove, that</p> <p>9 wouldn't be compliant with this contract, would it?</p> <p>10 A. Do you see one line above that medical</p> <p>11 grade? What does that mean?</p> <p>12 Q. I'm asking about the brand not about the --</p> <p>13 bouts?</p> <p>14 A. No, it doesn't mean it. The brand was</p> <p>15 MedCare.</p> <p>16 Q. Okay, but it doesn't just say MedCare. It</p> <p>17 says MedCare examination --</p> <p>18 A. You want me to tell me that examination is a</p> <p>19 brand? Not that I know of.</p> <p>20 Q. I'm telling you what's written in this</p> <p>21 agreement. That's all I'm telling you.</p> <p>22 A. That's MedCare and my understanding is</p> <p>23 MedCare examination glove. That's it.</p> <p>24 Q. Okay. Look at Paragraph 2b.</p> <p>25 A. As a matter of fact from looking at the</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 money to me. But I directed them where to wire the</p> <p>3 money.</p> <p>4 Q. Where did they wire the money to under this</p> <p>5 purchase agreement?</p> <p>6 A. I direct to me. I directed them to wire it</p> <p>7 to Adorama.</p> <p>8 Q. So they wired it to Adorama?</p> <p>9 A. Again, if they wired to Mark Neuson (ph), it</p> <p>10 was also directed by me -- to me.</p> <p>11 Q. But you're not answering my question.</p> <p>12 You would agree with me that Rock Fintek</p> <p>13 wired every payment under this agreement to Adorama</p> <p>14 Inc. bank account number ending with 5791?</p> <p>15 A. I dictate them to wire it over there.</p> <p>16 Q. Well, you don't dictate --</p> <p>17 A. I'm sorry, I don't see you.</p> <p>18 There should be an e-mail or something to</p> <p>19 that effect that I say to them that they should wire</p> <p>20 on my behalf to Adorama.</p> <p>21 Q. Well, you don't need to look at an e-mail.</p> <p>22 You just need to look at Paragraph 2b of the purchase</p> <p>23 agreement.</p> <p>24 A. Yeah, so they wired it to me. There's such</p> <p>25 a thing in the common daily business that you tell</p>


KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 178..181**

Page 178	Page 180
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 your client to wire on my behalf to this and this</p> <p>3 place. This is my lender.</p> <p>4 Q. Where does it say in the Sales and Purchase</p> <p>5 Agreement that the payments to Adorama Inc. bank</p> <p>6 account are being made on your behalf?</p> <p>7 A. Where does it say in the purchase agreement,</p> <p>8 what?</p> <p>9 Q. That the payments are being wired to the</p> <p>10 Adorama bank account on your half?</p> <p>11 A. Again, I was very clearly spoken to Arik</p> <p>12 Maimon that this is my lender and the money has to go</p> <p>13 to him.</p> <p>14 Q. When did you tell Arik that?</p> <p>15 A. In all our conversations.</p> <p>16 Q. And was anyone else on these phone calls</p> <p>17 when you told Arik these things?</p> <p>18 A. Umm, it might have been Mendel in the</p> <p>19 beginning. Umm, and also towards the end, I told it</p> <p>20 to Bradley and Tommy when things started getting out</p> <p>21 of hand. I told them I have to check everything with</p> <p>22 my lender and discuss everything with him.</p> <p>23 Q. And there's nothing in this agreement that</p> <p>24 describes Adorama as a lender, is there?</p> <p>25 A. As I told you before, I specifically told it</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 Q. Nausbaum (ph)?</p> <p>3 A. Nausbaum's office, not Nausbaum himself.</p> <p>4 Q. Okay. Do you know if Rock Fintek had a</p> <p>5 lawyer involved in negotiating this agreement with</p> <p>6 your lawyer?</p> <p>7 A. Not that I know of.</p> <p>8 Q. Okay. All right. Let's put that one away.</p> <p>9 Again, just trying to get through as many issues as we</p> <p>10 can before we close up for the day.</p> <p>11 Do you remember an issue coming up with Rock</p> <p>12 Fintek receiving LevMed gloves and not MedCare gloves</p> <p>13 at one point in the spring of 2021?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know where the LevMed gloves came</p> <p>16 from?</p> <p>17 A. From the warehouse.</p> <p>18 Q. Okay. What happened? What happened? I</p> <p>19 mean you would agree with me -- before I even ask</p> <p>20 that.</p> <p>21 You would agree with me that LevMed gloves</p> <p>22 were not included in the Sales and Purchase Agreement;</p> <p>23 right? You can see that pretty easily.</p> <p>24 A. Correct.</p> <p>25 Q. Okay. So why did Rock Fintek receive LevMed</p>
Page 179	Page 181
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 to Arik Maimon and I think that Arik Maimon --</p> <p>3 Q. Wait --</p> <p>4 A. I'm still talking.</p> <p>5 Q. And I'm going to cut you off because you're</p> <p>6 not answering my question.</p> <p>7 (Simultaneous talking.)</p> <p>8 MR. RAKHUNOV: He's not answering</p> <p>9 my question.</p> <p>10 BY MR. RAKHUNOV:</p> <p>11 Q. I'm not asking what you told Mr. Maimon.</p> <p>12 I'm asking: Is there anything in this</p> <p>13 agreement that describes Adorama as a lender?</p> <p>14 That's a pretty simple "yes" or "no"</p> <p>15 question.</p> <p>16 A. Yes.</p> <p>17 Q. Where?</p> <p>18 A. I don't know, I don't read English so look</p> <p>19 for yourself. Find it.</p> <p>20 Q. Okay. You know, respectfully you signed</p> <p>21 this agreement.</p> <p>22 Did you have somebody with a better ability</p> <p>23 to read English review this and advise you on signing</p> <p>24 it?</p> <p>25 A. My lawyer.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 gloves?</p> <p>3 A. It was a mistake of the warehouse.</p> <p>4 Q. Okay. And that mistake was brought to your</p> <p>5 attention as soon as it was discovered at the Medline</p> <p>6 warehouses; correct?</p> <p>7 A. I assume so.</p> <p>8 Q. Okay. And do you recall Rock Fintek telling</p> <p>9 you that they were having a problem getting paid by</p> <p>10 their client for the LevMed gloves because those were</p> <p>11 not approved and not the gloves that were expected</p> <p>12 under the agreement?</p> <p>13 Do you remember that?</p> <p>14 A. I just want to point out to you, you have</p> <p>15 exactly five minutes. I just want to point that out</p> <p>16 to you.</p> <p>17 Q. I know that and --</p> <p>18 A. I will answer your question. I just wanted</p> <p>19 to point it out to you.</p> <p>20 Rock Fintek -- Arik Maimon called me.</p> <p>21 Nobody else called me. Arik Maimon called me. And I</p> <p>22 offered every angle in every way to go down and pick</p> <p>23 it up and exchange it and anything that I can do to</p> <p>24 resolve that and they didn't want -- Arik Maimon</p> <p>25 didn't want. I don't know -- he kept on saying, "I'm</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 182..185**

Page 182	Page 184
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 sorry, it was already distributed to --</p> <p>3 Q. Did you see the e-mail exchanges that</p> <p>4 included Mendel Banon -- we'll look at them when we</p> <p>5 resume, but I just want to make this as simple as</p> <p>6 possible.</p> <p>7 Do you remember seeing e-mail exchanges that</p> <p>8 certainly involved Mendel Banon and folks at Rock</p> <p>9 Fintek regarding the LevMed issue?</p> <p>10 A. Again, I don't recall exactly. I recall</p> <p>11 getting Arik Maimon on the phone begging him that it</p> <p>12 was a mistake. Actually, I needed the goods. I was</p> <p>13 fighting with him to give it back to me. I told him</p> <p>14 it was not his. It was a different customer,</p> <p>15 specially ordered for somebody.</p> <p>16 I begged him to give it back to me. I was</p> <p>17 willing to go down with the truck and pick it up and I</p> <p>18 was willing to do anything.</p> <p>19 He supposedly gave me a story, which I will</p> <p>20 give it to you and that's where we're going to most</p> <p>21 probably try to conclude.</p> <p>22 He gave me a story --</p> <p>23 Q. Can I just interrupt you? I want you to</p> <p>24 finish your answer but before you do, let me ask a</p> <p>25 slightly different question.</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 was not -- was delayed or payments or something.</p> <p>3 Q. And you made them buy a \$75,000 bond after</p> <p>4 that; correct?</p> <p>5 A. What? What?</p> <p>6 Q. You forced them to buy a bond for \$75,000</p> <p>7 after that?</p> <p>8 A. Show it to me, please.</p> <p>9 Q. I'm just asking you whether --</p> <p>10 A. Why should I make them buy a \$75,000 bond?</p> <p>11 Haha. Philip, get your story straight.</p> <p>12 I never made them buy no bonds. I don't</p> <p>13 know what a bond is.</p> <p>14 Q. Okay. If that's your testimony, that's all</p> <p>15 I can ask for.</p> <p>16 A. Do you have it in an e-mail? Do you have it</p> <p>17 somewhere in writing?</p> <p>18 Q. I'm asking the questions.</p> <p>19 A. I don't know what you're talking about.</p> <p>20 Q. Okay, that's your testimony.</p> <p>21 MR. RAKHUNOV: If you want to</p> <p>22 finish here, you can. It's 2:59.</p> <p>23 THE WITNESS: I don't remember what</p> <p>24 the question was.</p> <p>25 MR. RAKHUNOV: That's okay.</p>
Page 183	Page 185
<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 You don't have any reason to dispute that</p> <p>3 Rock Fintek's payments from Ascension Health were</p> <p>4 delayed while the LevMed issue was being sorted out?</p> <p>5 A. I do have a belief that it was not delayed.</p> <p>6 Q. Okay. So I do want to hear your basis for</p> <p>7 that, for why you think the payments weren't delayed.</p> <p>8 A. Because Rock Fintek, first of all, got a</p> <p>9 very big deposit of close to \$9 million and everybody</p> <p>10 can get on the phone and say move this to the side and</p> <p>11 we'll pick it up. It's normalcy.</p> <p>12 I dealt with a lot of big companies and it's</p> <p>13 a normal thing that mistakes happen in the warehouse</p> <p>14 and it can be picked up.</p> <p>15 The only thing I can think of that if they</p> <p>16 can prove that they got a delay, it might be for this</p> <p>17 particular ten pallets, but not delayed in total</p> <p>18 because there was other trucks delivered.</p> <p>19 Rock Fintek didn't -- Every day the truck</p> <p>20 driver came to me, they didn't have money, unless they</p> <p>21 gave the money. So there was no delay from Rock</p> <p>22 Fintek telling me that they can't pick up. They only</p> <p>23 said we're delivering tomorrow, give us another day.</p> <p>24 We're getting accounting and we're getting the wire</p> <p>25 transfer. It was not in the conversations that money</p>	<p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 THE WITNESS: Give me the question</p> <p>3 and I will tell you.</p> <p>4 MR. RAKHUNOV: That's okay.</p> <p>5 THE WITNESS: I know I offered to</p> <p>6 pick it up. I was really willing to do</p> <p>7 anything to resolve it.</p> <p>8 And then -- oh, Arik Maimon told my</p> <p>9 he can't pick it up because they already</p> <p>10 distributed it out to the hospitals, or</p> <p>11 whatever, the customers.</p> <p>12 BY MR. RAKHUNOV:</p> <p>13 Q. Did you ever put that offer to take the</p> <p>14 LevMed gloves back in writing anywhere? You or</p> <p>15 Mr. Banon, to your knowledge.</p> <p>16 A. I don't know because, again, I told you I'm</p> <p>17 not so good at writing. Things that needs to be</p> <p>18 resolved at the moment, I pick up the phone and I</p> <p>19 straighten it out man to man.</p> <p>20 But I don't know what this -- if it's in the</p> <p>21 writing, and he has to look through the production, it</p> <p>22 might be in production. But we definitely offered</p> <p>23 them a million times that we wanted to pick it up --</p> <p>24 and not a million, a few times, with Arik on the phone</p> <p>25 and Arik can testify if you want to talk to Arik about</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 186..189**

<p style="text-align: right;">Page 186</p> <p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 it.</p> <p>3 I asked him a few times, I want to pick it</p> <p>4 up, and it was impossible, it was already distributed.</p> <p>5 If I want to fly all over the country to pick it up</p> <p>6 and I said, you know, I will do that also. Give me</p> <p>7 the places it was distributed and I can pick it up but</p> <p>8 he didn't get back to me on that. He kept saying</p> <p>9 "let's resolve it," "lets resolve it," and that's it.</p> <p>10 Q. Mr. Banon was involved in this discussion,</p> <p>11 correct, about LevMed?</p> <p>12 A. I don't recollect exactly, but I assume so.</p> <p>13 MR. SPERBER: Okay. We'll see you</p> <p>14 tomorrow.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 (Whereupon, a discussion was held</p> <p>17 off the stenographic record.)</p> <p>18 MR. SPERBER: We do want to read</p> <p>19 and sign.</p> <p>20 - - -</p> <p>21 (Whereupon, the deposition was</p> <p>22 adjourned at approximately 3:05 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 188</p> <p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 CERTIFICATE OF OATH</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p style="text-align: right;">ss.:</p> <p>5 COUNTY OF)</p> <p>6</p> <p>7</p> <p>8 I, HERSHEY WEINER, hereby certify that I have</p> <p>9 read the transcript of my testimony taken under oath;</p> <p>10 that the transcript is a true and complete record of</p> <p>11 what was asked, answered, and said during the</p> <p>12 examination in the above matter, and that the answers</p> <p>13 in this transcript, as given by me, are true and</p> <p>14 correct, except for the changes and/or corrections</p> <p>15 indicated on the Errata Sheet attached hereto.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 HERSHEY WEINER</p> <p>20</p> <p>21</p> <p>22 Subscribed and Sworn to</p> <p>23 before me this day</p> <p>24 of , .</p> <p>25 Notary Public</p>
<p style="text-align: right;">Page 187</p> <p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4</p> <p>5 STATE OF NEW YORK)</p> <p style="text-align: right;">ss.:</p> <p>6 COUNTY OF SARATOGA)</p> <p>7</p> <p>8 I, CHRISTINE GREENAWAY, a Registered Professional</p> <p>9 Reporter and Notary Public for the State of New York,</p> <p>10 do hereby certify that the foregoing transcript to</p> <p>11 which this Certificate is annexed, is a true and</p> <p>12 correct transcript of my original stenographic notes.</p> <p>13</p> <p>14 I further certify that I am neither an attorney</p> <p>15 nor counsel for, nor related to or employed by any</p> <p>16 of the parties to the action in which this deposition</p> <p>17 is taken; and, furthermore, that I am not a relative</p> <p>18 or employee of any attorney or counsel employed by</p> <p>19 the party hereto or financially interested in the</p> <p>20 action.</p> <p>21</p> <p>22 </p> <p>23</p> <p>24 CHRISTINE GREENAWAY</p> <p>25</p>	<p style="text-align: right;">Page 189</p> <p>1 (HERSHEY WEINER - VOL. 1, PM SESSION)</p> <p>2 EXAMINATION BEFORE TRIAL ERRATA SHEET</p> <p>3 -----</p> <p>4 IN THE MATTER OF:</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT</p> <p style="text-align: center;">FOR THE SOUTHERN DISTRICT OF NEW YORK</p> <p>5 KITCHEN WINNERS NY INC.,</p> <p style="text-align: right;">Plaintiff,</p> <p>6 v.</p> <p>7 ROCK FINTEK LLC,</p> <p style="text-align: right;">Defendant. Claim Action No.</p> <p style="text-align: right;">22-cv-05276</p> <p>8</p> <p>9 ROCK FINTEK LLC,</p> <p style="text-align: right;">Counterclaim and</p> <p style="text-align: right;">Third-Party Plaintiff</p> <p>10 v.</p> <p>11 KITCHEN WINNERS NY INC.,</p> <p style="text-align: right;">Counterclaim Defendant,</p> <p>12 and</p> <p>13 ADORAMA INC., HERSHEY WEINER, ET AL.</p> <p style="text-align: right;">Third-Party Defendants.</p> <p>14</p> <p>15</p> <p>16 DECLARATION UNDER PENALTY OF PERJURY</p> <p>17 I declare under penalty of perjury that I have</p> <p>18 read the entire transcript of my deposition taken in</p> <p>19 the captioned matter or the same has been read to me</p> <p>20 and the same is true and accurate, save and except</p> <p>21 for changes and/or corrections, if any, as indicated</p> <p>22 by me on the Errata Sheet hereof, with the</p> <p>23 understanding that I offer these changes as if still</p> <p>24 under oath.</p> <p>25 Signed on the ___ day of _____ 20__</p> <p style="text-align: right;">HERSHEY WEINER</p>

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Pages 190..191****Page 190**

1 (HERSHEY WEINER - VOL. 1, PM SESSION)

2 ERRATA SHEET

3 I, _____, have read

4 the transcript of my testimony and would like

5 the following changes and the reason for such

6 changes, for example, "to correct stenographic

7 error" or "to clarify the record" or "to

8 conform with the facts."

9 Page No.____Line No.____Change to:_____

10 _____

11 Reason for change:_____

12 Page No.____Line No.____Change to:_____

13 _____

14 Reason for change:_____

15 Page No.____Line No.____Change to:_____

16 _____

17 Reason for change:_____

18 Page No.____Line No.____Change to:_____

19 _____

20 Reason for change:_____

21 Page No.____Line No.____Change to:_____

22 _____

23 _____

24 _____

25 SIGNATURE:_____DATE:_____

Page 191

1 (HERSHEY WEINER - VOL. 1, PM SESSION)

2 ERRATA SHEET CONTINUED

3 KITCHEN WINNERS v ROCK FINTEK, ET AL

4 Reason for change:_____

5 Page No.____Line No.____Change to:_____

6 _____

7 Reason for change:_____

8 Page No.____Line No.____Change to:_____

9 _____

10 Reason for change:_____

11 Page No.____Line No.____Change to:_____

12 _____

13 Reason for change:_____

14 Page No.____Line No.____Change to:_____

15 _____

16 Reason for change:_____

17 Page No.____Line No.____Change to:_____

18 _____

19 Reason for change:_____

20 Page No.____Line No.____Change to:_____

21 _____

22 Reason for change:_____

23 _____

24 _____

25 SIGNATURE:_____DATE:_____

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: #CAIU965838..1.703**

	168:15,16,	119:1	157:1,24
Exhibits	20	120:1	158:1
		121:1	159:1
EXHIBIT 5	#	122:1	160:1
116:19		123:1,16	161:1
EXHIBIT 6	#CAIU965838	124:1,23	162:1
111:8	140:8	125:1	163:1
124:15		126:1	164:1
EXHIBIT 7	\$	127:1	165:1
111:11		128:1	166:1
128:14,16	\$75,000	129:1	167:1
	184:3,6,10	130:1	168:1
EXHIBIT 8	\$8.30	129:16	131:1
111:14		132:1	132:1
131:8	\$9	183:9	133:1
133:3		134:1	171:1,16,
		135:1	17,18
EXHIBIT 9	0	136:1	172:1
111:17		137:1	173:1
133:5,6	0046	138:1	174:1
139:21	02116	139:1	175:1
	107:16	140:1	176:1
EXHIBIT 10	07601	141:1	177:1
111:20		142:1	178:1
139:22	1	143:1	179:1
EXHIBIT 11	1	144:1	180:1
111:23	105:18	145:1	181:1
154:21	106:1	146:1	182:1
	107:1	147:1	183:1
EXHIBIT 12	108:1,15	148:1	184:1
112:7	109:1	149:1	185:1
159:21	110:1	150:1	186:1
160:3	111:1	151:1	
	112:1	152:1	1-5 111:6
EXHIBIT 13	113:1	153:1	1.6 132:22
112:10	114:1	154:1	1.7 132:22
163:14,18	115:1	155:1	1.703
164:25	116:1	156:1	132:11,20
EXHIBIT 14	117:1		
112:14	118:1,16		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: 10..6**

10 111:20	15 105:20	138:16	3p1 140:13,
123:16	106:3	139:18	22 141:6
139:21,22	154 111:23	155:4	143:4,15,
100 126:8,	159 112:7	158:9	16 144:22,
20 171:20	163 112:10	163:20	24,25
1030 107:7	168 112:14	180:13	145:17,22
108:7	18 117:8	2021/4/24	147:16
11 111:23	186 110:13	111:24	149:22
154:21	187 110:15	2023 105:20	151:11
111 110:12	188 110:16	106:3	<hr/>
114 110:7	189 110:10	22-cv-05276	4
11415 107:8	19th 124:24	105:7	<hr/>
108:8	1:05 106:8	23 133:14	4 163:20
119 108:15	1:09 113:12	151:18	169:5
11:40 113:6		23rd 134:6	4/23/21
12 112:7		135:24	111:18
128:20		136:10	48 142:16
159:20,21	<hr/>	27 155:4	4th 165:14
160:3	2	2:59 184:22	<hr/>
124 111:8	2 110:18	2b 175:24	5
128 111:11	119:22	176:4	<hr/>
12:00 141:23	155:23	177:22	5 116:19
13 112:10	2/19/21	2c 176:15	50 164:11,
163:14,18	111:9		16
164:25	20 123:17	<hr/>	50s 130:16
131 111:14	2020 122:2	3	<hr/>
133 111:17	127:4	3 143:23	510k 115:9
139 111:20	2021 114:20	156:3	171:21,23
14 112:14	117:8	300K 128:22	172:6,11
168:15,16,	118:3	30129 105:25	5791 177:14
20	122:22	3:05 186:22	58 131:25
	128:20	3:26 136:10	59 131:25
	133:14	137:5	<hr/>
	137:17,23		6
			<hr/>
			6 111:8

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: 6/17/21d..agreement

124:15	8th	123:19	accurate	113:21
145:3,4,5			118:3	afternoon
146:11		9	137:9,24	105:18
152:4			141:8,15	106:5
6/17/21d	9	111:17	action	105:6
111:21		126:15	109:13	113:4
		133:5,6		142:11
60 166:15,		139:21	actual	168:12
22			118:12	agree 132:23
6000 162:7	9,000		161:23	139:16
		126:14,22		146:2,8
617.960.3118		127:10	add 141:10	149:10
107:17	90,000		addition	162:22
65 164:18		125:24	109:9	164:11,13
		126:4,13	address	171:12,19
			155:9	175:4
7	94	110:18		177:12
7 111:11	940	107:16	adjourned	180:19,21
128:14,16			186:22	
		A	adjust	AGREED
70 164:18			142:21	109:5,15,
	a.m.	113:7		20
8	ability		Adorama	agreement
8 111:14		179:22	105:14	111:12
131:8	accomplish		108:10	112:15
133:3		134:24	169:13,14,	128:25
148:21,22		135:3	16,21,23,	168:23
151:25	account		24 170:10,	169:16,21
152:4		121:15	11,14	170:13,22
154:8,9		142:24	177:7,8,	171:2,14
80-02 107:7		156:22,23,	13,20	174:15
108:7		24 177:14	178:5,10,	175:21
		178:6,10	24 179:13	177:5,13,
800-333-2082	accounting		Adorama's	23 178:5,
105:24		183:24	170:12	7,23
8023819	accounts		advise	179:13,21
158:10		156:16,19	179:23	180:5,22
			affirmative	181:12

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: AKW-003061..Avenue**

AKW-003061	177:11	24 182:11	114:7,16,
116:24	179:6,8	185:8,24,	18 152:25
		25	168:9
AKW-3067	apologize		
124:20	154:9,10	arrives	assumption
	173:16	153:4	153:3
AKW-3340			
155:2	APPEARANCES	Ascension	attached
	107:3	183:3	111:21
AKW-4204	108:3		118:10
140:5		ASPERBER@	129:5
	appointment	LIPSIUSLAW.COM	130:20
Alex 121:5,	142:16	107:9	134:7
6		108:9	143:21
ALEXANDER	approved		145:21
107:6	181:11	assertion	163:24
108:6	approxi-	115:16	
	130:12	assigned	attaching
allowed		119:10,12	128:21
143:15	approximately	128:10	165:3
149:15	186:22		
		associates	attachment
amount	April	133:15	166:2,6
127:12,13	122:21,25		
132:24	123:13,16	assume	attachments
167:5	133:14	116:15	111:18
	134:6	117:13	118:12
amounts	135:24	129:20	155:22
168:4	136:10	134:21	156:2
	137:17,22	135:16	158:16
Angeles	138:16	136:23	163:20
176:18	139:18	137:23	
angle 181:22	155:4	138:10	attention
	157:23	139:11	124:8,9
Anhui 125:20	158:9	143:8	163:2
		153:6	181:5
Anna	Arik 123:9	162:23	
115:12,25	141:22	164:18	attorney
116:9	170:14,17	181:7	116:25
124:23,24	178:11,14,	186:12	166:20
165:2,3	17 179:2		167:14
174:10			
answering	181:20,21,	assuming	Avenue

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: average..boxes

107:15	163:22	belief 183:5	box 115:5,7
average	182:4,8	big 122:15	118:16,19
126:21	185:15	126:5	124:13
164:20	186:10	161:7	126:8,21
AVRAM 108:14	bar 109:11	183:9,12	128:15
aware 153:7	based 123:9	biggest	130:24
	135:4,19	120:25	133:9,15
B	basis 183:6	Bill 112:8	134:2,8,
back 118:3	Bates 116:23	127:19	10,11
119:18	124:20	128:10	135:2,23
120:14	133:12	130:20	136:6,13,
121:12	140:5	132:14	15,22,24
127:6,9	155:2	160:4	137:11
132:12	Bear 125:17	161:20,22,	138:11,19,
135:20	begged	23 162:3,	20 139:5,
142:12	182:16	10 163:8	10,12
144:14	begging	bit 131:6	154:25
147:21	182:11	146:13	155:10
152:3	begin 162:18	148:19	159:19
157:24	beginning	blue 147:2	161:23
159:13	130:3	171:21	162:5
171:15	178:19	172:5,13	171:20
174:14	begins	boat 119:6	176:3,9,10
182:13,16	124:20	bold 161:7	boxes 115:6,
185:14	140:4	bond 184:3,	7,17,24
186:8	157:5	6,10,13	116:3,6
background	begun 109:18	bonds 184:12	117:18
145:7	behalf	Boston	118:6
146:14	169:9,13,	107:16	120:15
backup	14 170:7	bottom	125:20,24
151:15	176:25	124:23	126:4,5,6,
bank 177:14	177:20	155:17	7,13,22
178:5,10	178:2,6	bouts 175:13	127:10
Banon 128:21			136:22
129:13			137:11
			138:12
			139:4,10,
			17 140:17

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: bracelets..clear

147:5	176:15	136:15,16	chemical
148:6			174:9
149:5	buying	cartons	
	118:24	153:12	Chen 155:11
bracelets	119:2,13	case 116:25	China 119:6
143:25	120:21	133:13	153:5
Bradley	169:23	158:16,25	154:2
108:22			160:7,12
149:20	C	cases 126:14	Christine
170:6		cc'ing	106:9
178:20	California	133:24	113:18
	176:18	CERTIFICATE	116:13
brand	call 141:22	110:15,16	Cici 155:6,
174:19,22,	170:25		11,18
23 175:4,		certification	157:25
12,14,19	called	109:21	165:2,14
bring 129:24	130:18	chain 124:19	
135:16	132:24		
163:2	134:18	challenge	Cici-gts@
	181:20,21	130:23	hotmail
Brooklyn			163:21
149:12	calls 178:16	change	
		141:11	Cici-gts@
brought	Capital	168:14	hotmail.com.
181:4	105:14		155:5
	108:18	chat 124:13	
brown 126:5	Caravan	128:15	Civil 109:7
bunch 156:20	133:16,19	130:24	Claim 105:6
		133:9	
business	care 122:2,	154:24	claiming
130:5,6	3,4,6,8,11	159:19	132:17
177:25	124:4,6		clarify
buy 119:5,7	134:19	check 115:18	132:19
123:23		119:4	
174:6	cared 122:9	120:4	classification
184:3,6,	careful	121:5	135:17,18,
10,12	127:16	127:18	19
		144:6	clean 142:2
buyer	Cargo 112:8	148:6	clear 135:7
169:18,20,	160:5,6	158:22	171:11
21 170:3	carton	178:21	172:2

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: client..conversations

client 121:3	companies	container	139:3
127:4,17,	183:12	117:15,20,	150:2,3
22 178:2	company	21,22,24	153:25
181:10	129:6,10,	118:2	155:20
clients	25 130:2,	123:3,25	158:2
123:23	6,9 134:4	124:25	160:21
124:5	135:6	126:23	continuation
127:2,19	153:20	127:16,21,	124:19
close 133:2	154:2,4	22,24	CONTINUED
162:24	160:6	128:2,6	105:19
166:22	Compared	135:4,11,	108:3
168:10	127:13	22 136:6,	114:2
173:13	compliant	14,21,23,	continuing
174:16	173:25	24 137:10,	106:8
180:10	175:9	12 138:10,	contract
183:9	complied	12 139:4,	120:23
close-ups	172:4	9,10,12,	122:15,18,
134:9	comprised	14,17	20 123:8,
Cod 120:10,	164:16	140:8	13,15
11 127:5	computer	146:21	127:8,12,
code 135:12	167:14,17,	150:5	13 130:14
collection	18	152:22	132:7,24
134:21	conclude	153:2,4,13	171:20
color 171:20	182:21	157:11,15,	175:9
172:13	confusion	20 158:3,	176:2,6,15
combinations	172:16	5,10,12,13	contracts
157:4,9	connection	161:18,19	120:25
common	153:8	162:2,21,	conversation
177:25	consult	22 166:3,7	141:20
communication	174:2	176:17	142:12
141:19	contact	containers	170:21
communications	134:20	111:21	173:7
121:2	contained	117:16	conversations
	153:15	119:11	170:19
		123:23	178:15
		125:21	183:25
		127:2	
		138:24,25	

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: copied..delayed

copied 146:3	25 175:2,	131:16	day 123:15
copies 165:2	3,5	153:24	141:21
Corp 111:12	176:22,23	creating	142:12
128:22	180:24	131:11	167:19
129:2,3	181:6	credit	180:10
correct	184:4	142:13	183:19,23
114:17,24	186:11	custom 165:4	dealt 133:21
115:12,13	correctly	customer	134:3
118:7,25	137:2,7	119:10,12,	183:12
119:3,14	costs 129:18	14,18,25	Dear 125:14
123:10	counsel	120:10	Defendant
125:6	107:10,19	128:11	105:6,12
126:9	108:10,18	182:14	106:6
127:7,13,	128:20	customers	107:10
14,25	133:11	120:6,8,	defendant's
130:7	count 132:2	11,12,13	111:5
132:24,25	Counterclaim	122:2	112:6
136:19	105:9,12	167:10	124:15
137:18	country	185:11	128:16
138:6,24	186:5	customers'	131:8
140:14,18,	couple	148:14	133:6
19,24,25	113:16	customs	139:22
143:6	court 105:1	135:7	154:21
146:3	113:8,13,	cut 163:5	159:21
155:23,24	15,20	179:5	163:14
158:4,16	116:16		168:16
160:12,13	150:15	D	Defendant/
161:18	COVID 115:6	daily 177:25	third-party
165:23	135:10	date 106:8	107:20
166:17,18	149:16	156:7	Defendants
167:7	create	dated 111:9,	105:16
168:8	131:12,13,	18,21,24	108:10,18
169:10,11,	14 154:5	122:21	delay
13,17	created		183:16,21
170:10			delayed
171:23,24			
174:12,24,			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: delivered..drivers

183:4,5,7, 17 184:2	destinations 140:24	dispute 131:18 183:2	documentation 115:15
delivered 123:20 132:17 168:7 176:17 183:18	detail 138:22 dictate 177:15,16 difference 114:6	disputes 131:22 distinguish 162:2 distributed 182:2 185:10 186:4,7	documents 155:25 160:3 167:4 Dongguan 111:25 155:11 156:6
delivering 183:23	132:16 176:12		
Demarco 143:9,10, 14,19 148:2 149:14	direct 177:6 directed 177:2,6,10 disagree 157:14,17	DISTRICT 105:1 document 110:9 116:22,24	doubt 145:16,20, 23 downed 132:21
depends 147:22	disconnected 163:12	125:13 128:19,21, 24 129:4 130:24 131:11,16 132:18 133:10 140:4 144:15 145:3 148:21 154:6,13, 24 155:3 156:4,11, 17 160:3, 15 163:10, 19 165:22, 25 166:3 168:10,19 169:5	downloaded 133:17 drama 141:21,22 driver 143:10 146:4,8 147:10,17, 22,23 148:2,3 149:12 150:10,22 151:7 153:3 183:20
deposit 183:9	discovered 181:5 discoveries 166:25 discovery 166:21 discrepancy 151:9		
deposition 105:19 113:8,11, 14 116:19 128:5 186:21	discuss 129:17,19 178:22 discussion 186:10,16 dismissing 132:13		driver's 143:20 drivers 140:17 143:17
describe 160:20			
describes 178:24 179:13			
describing 166:23			
description 160:16			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: dropped..executed

147:20	155:4,9,	ended 138:21	138:22
148:14	18,23	ending	exam
149:15	157:24	177:14	118:16,19
150:18	162:20	English	171:21,22
151:14,17	163:19,21	179:18,23	172:5
dropped	165:2,14	enlarge	examination
113:10,16	177:18,21	146:13	106:5,7
114:4	182:3,7	entered	109:11,16,
due 113:10	184:16	122:15	18,22
115:6	e-mailing	entitled	114:2,6,8,
DUFFY 107:14	133:24	128:21	14 115:10
duty 135:19	e-mails	166:6	116:6
Dynarex	166:10,21	entity	118:23
172:23	earlier	133:21	120:16
173:3,4,23	164:10	135:6	122:6
	early 114:20	entries	124:6
<hr/>	easily	131:25	145:12,14
E	180:23	entry 135:5	148:25
e-mail	effect	ERRATA	156:13
111:18	177:19	110:10	174:20,22
117:17	efficient	Esparza	175:2,8,
120:2	140:3	140:6,12	17,18,23
121:3	employees	144:16	176:3,9,10
124:19	141:6	151:22	examined
126:24	143:5,14	ESPU 157:5	109:17
128:20	145:21	161:15	Excel
129:4	EN 129:2	162:19	130:18,24
133:14	enclosed	ESPU- 158:9	156:11
134:6	118:5	ESQ 107:6,	164:9
136:2,11,	165:21	14,15	165:22
19 137:5	end 119:2	108:6,14	exchange
140:5	120:17,18	110:7	181:23
143:22	123:14	exact 132:21	exchanges
144:15	178:19		182:3,7
146:3			executed
151:2,21			123:8

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: exhibit..Fintek's

exhibit		117:8	Fintek
110:12	F	118:3	105:5,8
111:8,11,		119:4,5,10	107:19
14,17,20,	facilities	120:4,7,8	112:15
23 112:7,	114:14	122:17,19,	122:9
10,14	fact 119:16	24 123:19,	123:3,9
116:13,19	151:12	23 124:24	127:7
124:12,15	175:25	Federal	130:13
128:14,16	176:21	109:7	131:21
131:8	factory		132:6
133:3,5,6	125:17,18	feels 136:18	140:22
139:21,22		fell 163:11	142:19
154:21	failure	fiasco	143:2,19
159:19,21	109:9	142:11	146:3
160:3	fair 116:2		147:9
163:14,18	132:5,9	field 167:18	148:6
164:25	143:11	fighting	150:18
165:14	158:8,11,	182:13	153:3
168:15,16,	19 160:21	figure	164:11,17,
20	165:6	138:4,8	22 166:16
exhibits	familiar	144:21	167:6,11,
111:6	130:21	filing	13 168:8,
116:14	163:7	109:21	24 169:3
expected	167:17		170:7
181:11	fast 115:5,	find 134:2	172:4
explained	6	139:5	173:24
114:8	faster	167:25	176:21
explanation	154:18	179:19	177:12
116:9,10	fault 113:10	fine 130:9	180:4,12,
expression	FDA 134:8,	157:19	25 181:8,
121:25	25 135:4,	finish	20 182:9
extent 141:9	10,20	154:16	183:8,19,
eyesight	138:19	182:24	22
172:14	171:21,23	184:22	Fintek's
	172:6,11	finished	140:16
	February	173:15	141:2,17
			148:14
			183:3

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: Fisher..grade**

Fisher	funds	176:16	139:14	156:13,21
120:11,12			142:13	158:15,21
127:5	G		150:7	160:17,20
fly 186:5			170:15	161:4
focus 142:9	game		182:13,16,	164:12
	141:24,25		20 183:23	166:16
folks 164:4	Gardens		185:2	167:5
182:8	107:7,8		186:6	168:5,7
follow	108:7,8	giving	131:3	171:20
124:22,23	gathered	GLOBAL		172:3,18
forced 184:6	131:21	105:23		173:23
foreground	gave 115:8	glove 132:5		174:5,7,9,
145:7,10	116:9	136:18		22 180:12,
forgot	123:7	153:8		15,21
120:11	125:7	174:20,23		181:2,10,
form 109:8	127:19	175:2,8,23		11 185:14
123:11	129:8	176:9,10	Gmail	111:9,
159:2	131:22		21	
formal 174:8	132:13	gloves		Gombo 172:17
forwarded	135:17	114:6,8,9,		174:4
144:15	138:20	14,15,17,		good 113:4
160:6	174:11	20 115:4,		134:11
fourth 137:5	182:19,22	17,20		135:9
friend 174:5	183:21	117:18		164:12
FRISCH	gears 168:14	118:7		185:17
108:14	Generally	119:8		goods 129:7,
frischa@	127:15	120:20		9 136:23
avifrischlaw.	Gilling	123:3,9,22		139:11
com 108:17	108:22	126:8,11,		143:17
frozen	170:7,21	12,15,20		146:9
113:23	give	127:11		160:16
full 116:21	121:11,15,	129:11		182:12
176:16	21,24	130:13		government
	124:3,7	132:18,20		120:24
	129:16,18	133:25		121:15,20
	135:17,18	145:12,14		grade
		148:25		
		153:23		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: Great..hershey**

171:21,22	hand	143:24	106:1,6	144:1
172:5,10		144:3,6	107:1	145:1
175:11		178:21	108:1,10	146:1
Great	130:17	happen	109:1	147:1
Greenaway		183:13	110:1,6	148:1
106:9	happened		111:1	149:1
Grimvald		115:3	112:1	150:1
115:12,14,		135:8	113:1	151:1
25	118:15,	137:16	114:1	152:1
22		150:18	115:1	153:1
		180:18	116:1	154:1
Grimvald's			117:1	155:1
125:8	happening		118:1	156:1
	138:21		119:1	157:1
Grinvald			120:1	158:1
111:25	harder		121:1	159:1
155:11		146:22	122:1	160:1
156:6	hassle		123:1	161:1
174:10		143:16	124:1	162:1
GTS	153:24	heading	125:1	163:1
155:7,14		170:3,9	126:1	164:1
guaranteed			127:1	165:1
170:15	Health	183:3	128:1	166:1
	hear	142:3	129:1	167:1
guess	128:12	176:5	130:1	168:1
139:20		183:6	131:1	169:1
guy	130:9	heard	132:1	170:1
guys	159:7	165:17	133:1	171:1
		170:24	134:1	172:1
		171:3,6,8	135:1,25	173:1
H			136:1	174:1
	held	186:16	137:1	175:1
Hackensack		helping	138:1	176:1
108:16		151:14	139:1	177:1
Haha	144:7	hereto	140:1	178:1
184:11		109:6	141:1	179:1
half	178:10	hershey	142:1	180:1
		105:14,19	143:1	181:1

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: highest..issues**

182:1	idea	125:18	industry	155:19
183:1		134:2,3	172:9	157:25
184:1		161:8	174:6	163:25
185:1	identification	information		165:3,22
186:1		124:16	131:21	166:2,7
highest		128:17	134:9	invoices
174:7		131:9	153:14	112:11
hire 173:23		133:7	156:17,20,	127:25
174:2		139:23	22	128:3,7,8
		154:22		158:20,24
hired 140:23		159:22	inside	164:5
160:8,9,10		163:15	144:24	165:5,18,
174:4		168:17	146:15,19	21 166:11,
			147:10	21 167:5
hoisted	identified	151:14		
146:16		160:21		involved
	126:23			115:22
Hold 131:3	identifies	inspect		180:5
152:3	156:12	143:17		182:8
171:15	171:20	172:13		186:10
174:21				
	identify	inspected		ipad 130:25
Holdings	162:21	125:23		146:13
105:15		172:12,13		
108:18	image 130:19			issue 111:9
	images	inspecting		113:9
hospital	118:11	151:14		114:23
114:10				115:2
120:23	immediately	inspection		117:8,11
	119:13	125:23		119:23
hospitals		inspections		121:3
120:24	impossible	149:21,24		125:5
185:10	154:19			138:4,8
	186:4	Instruction		180:11
hours 142:16		150:14		182:9
151:18	included			183:4
	136:2	interrupt		
HUSEBY	180:22	182:23		
105:23	182:4			
		inventory		issues
	including	127:7		119:17,23
	109:7			142:25
ICU 114:15		invoice		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: item..life

143:5	139:25	167:20	107:15
180:9	159:13	185:15	LAW 107:6
item 135:16			108:6,14
153:18	K	L	lawyer
	Kato 108:23	label	176:3,13
J	170:21	145:16,21	179:25
James 107:15	Kew 107:7,8	146:20	180:5,6
Janice 129:8	108:7,8	147:2,10	leave 141:7
January	kind 123:24	148:7,8,23	left 132:13
128:20	153:14	170:12	left-hand
Jason 144:18	Kitchen	labeled	161:11
Jasonwynn@	105:3,11	115:17	lender
hotmail.com.	107:10	117:18	178:3,12,
144:16	112:15	120:15	22,24
Jimmy 140:5,	131:19	155:2	179:13
8,12	132:6	labeling	lets 135:10
JNS 105:14	135:5	114:17	186:9
108:18	145:10	125:5	letter
129:2	146:21	labels 121:4	115:8,11
136:23	147:6	Lading	125:7,9
139:11	148:24	128:10	157:4
JNS/EN	152:12	130:20	letters
111:12	156:7	132:14	161:7,11
Job 105:25	168:5,23	160:4	Levmed
Joel 105:15	169:3,9	161:20,23,	180:12,15,
108:19	170:10,11	24 162:3,	21,25
128:12	172:4	10 163:8	181:10
Joseph	Kline 120:9	Ladings	182:9
105:14	knew 130:3	112:8	183:4
108:11	157:23	127:19	185:14
140:7	knowledge	laptop	186:11
169:12,14	114:13,18	154:17	life 130:14
jumping	123:4,6	large 131:6	132:7
	151:13	LAUREN	
	159:3		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: lifts..matter

lifts 164:5	LLP 107:6,	183:12	153:2
Limited	14 108:6	loud 125:16	154:18
112:8	load 140:22	Lriddle@	172:2,3,
160:5,6	141:6	psdfirm.com.	14,15
lines 172:10	151:17,19	107:18	173:24
LIPSIUS-	loaded 143:4		182:5
BENHAIM	150:2,5,9,	M	184:10
107:6	11 151:20	M2020 127:4	man 185:19
108:6	loading	MA 107:16	Manhattan
list 110:12	125:23	madame	120:23,24
111:24	143:10	113:20	Manifest
153:7,11,	loads	116:16	162:12,15
12,15,25	122:11,12,	150:15	March 122:24
156:5	14 151:15	made 127:6,	123:14,16,
158:3	loan	9 137:24	17 125:21
161:13	170:15,16	167:15	Mark 177:9
163:25	location	178:6	marked 111:6
166:3	140:17	184:3,12	116:14
listed	locations	Maimon	124:15
158:15	141:6	141:22	128:16
lists 112:11	logistics	170:14,17	131:8
155:19	140:14,16	178:12	133:6
156:13	148:12	179:2,11	139:22
158:2,20,	long 141:20	181:20,21,	154:21
25 164:10	145:11	24 182:11	159:21
165:4,22	looked	185:8	163:14
166:12,22	113:22	main 142:8	168:16
167:6	124:19	major 111:9	market 122:5
literally	164:9	117:8	mately
126:4	Los 176:17	119:17,23	130:13
LITIGATION	lose 148:17	make 109:12	math 126:12
105:23	lost 167:22	142:15	MATS 157:5
LLC 105:5,	lot 120:8	143:16	matter 117:8
8,15		150:13	152:4
108:14,18			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: MATU..nice

175:25	19 165:18	142:17	morning
MATU 157:5	166:11,16	middle 113:7	141:17
161:16	167:6,13	125:21	142:11
162:19	168:5	137:17	154:17
MATU-2682625	174:19,22,	144:19	motion
152:15	25 175:8,	160:15	109:10,12
MD 140:22	15,16,17,	million	mouth 114:11
141:6	22,23	126:15	move 183:10
143:4,15,	180:12	183:9	multiple
16 144:22,	Medcare's	185:23,24	138:24
24,25	165:4	minutes	166:10
145:17,22	medical	113:17	
147:16	171:21,22	161:14	<hr/>
149:22	172:5,10	181:15	N
md3pl.com	175:10	mislabeled	named 133:14
140:6	Medline	114:7,21	144:16
means 124:4	181:5	misplaced	Nausbaum
148:18	memorized	167:22	180:2,3
160:25	117:24	mistake	Nausbaum's
161:3,9	memory	181:3,4	180:3
meant 139:8	137:14	182:12	needed 127:7
Medcare	Mendel	mistakes	134:22
111:9	128:21	183:13	138:19
112:12	129:13	moment 142:3	182:12
114:20,24	178:18	185:18	negative
115:3,19	182:4,8	money 141:18	116:17
117:8,19	Mendlowitz	170:15	negotiating
128:22	105:14	176:24	170:22
129:11,24	108:11	177:2,3,4	180:5
130:10,11	169:12,14	178:12	negotiation
153:24	170:25	183:20,21,	141:23
155:15	merchandise	25	Neuson 177:9
158:19	119:19	months	nice 173:4
160:9	120:14	122:25	
164:4,16,	121:11,12		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: nightly..packaging

nightly	23 153:2,	NY 105:3,11	173:12,18
141:18	3,18	107:8	174:21
Nitrile	154:8,9	108:8	opened
118:6	157:4		167:18
145:12,14	158:3,10,	O	order 110:18
148:25	12 159:20	OATH 110:16	133:25
156:13	160:15	object	ordered
171:20	161:19,24	109:8,10	182:15
NJ 108:16	162:2,3,	Objection	original
normal	10,11,12	123:11	109:21
142:14	163:3	159:2	163:3
148:20	166:8	obtained	originating
149:13	167:3	158:21	153:23
183:13	168:5,7	Ocean 112:8	outsiders
normalcy	number-letter	offer 185:13	143:14
183:11	157:8	offered	overlap
Notary	NUMBER/	181:22	154:12
106:10	IDENTIFICATION	185:5,22	Oyster
109:17	111:4	offering	120:10,11,
Notice 106:7	112:4	129:9	12,22
November	numbered	office	121:21
105:20	116:24	108:14	P
106:3	numbers	180:3	p.m. 106:8
number	117:21,24	one-page	113:12
116:22	124:25	163:19	136:11
117:15,22	127:16,24	open 117:2	137:5
118:2	128:2,6	130:25	186:22
119:22	146:22	131:4,6	pack 164:10
126:23	157:3,6,	135:22	packages
127:21,23	12,16,21	136:6	160:16
132:21	158:3,5,14	140:10	packaging
133:24	161:11,13,	148:6	125:25
145:11	18,21	159:24	
148:24	162:17,18,	163:17	
152:13,20,	20,21,22		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: packed..pick

136:18	183:17	176:15	Phillip
175:5,7	pandemic	paying	107:14
packed 115:7	137:18	147:18	110:7
packing	paper 145:9	payment	152:6
111:24	146:15,20	176:14	phone 121:8
112:11	148:16,19	177:13	170:19,25
153:7,10,	150:11	payments	178:16
12,15,25	152:2	178:5,9	182:11
155:19	173:12	183:3,7	183:10
156:5,13	papers	184:2	185:18,24
158:2,20,	146:5,9	people	photo 111:18
24,25	paperwork	130:10	photograph
161:13	162:15	133:24	134:2
163:25	172:7,10	153:18,19	136:2
164:5	174:11	174:3,6	143:24
165:3,22	paragraph	perfect	145:6
166:2,11,	171:13	121:25	photographs
22 167:6	175:24	performance	118:5
pages 118:13	176:15	164:22	151:23
paid 165:19	177:22	performed	photos
176:21	paranoid	174:8	111:21
181:9	113:24	period	118:8,10
pallet	parties	143:14	physical
145:6,16,	109:6	168:8	174:9
21 146:19	party 169:16	person	pick 111:15
147:3,11	patience	129:17	130:18
149:6	154:14	ph 120:10	135:10
pallets	Patricia	171:10	140:17
140:22	133:14	172:17	142:15
143:11	134:7	177:9	146:10
145:7,8	Pause 124:14	180:2	147:13
146:14	131:4	Philip 149:8	149:23
147:16	pay 124:8,9	184:11	181:22
148:13	135:19		182:17
150:4,8,19			183:11,22
151:23			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: picked..possession**

185:6,9,	piece	145:9	125:1	163:1
18,23		146:15	126:1	164:1
186:3,5,7		152:2	127:1	165:1
picked	pin	132:21	128:1	166:1
125:22	PL	166:7	129:1	167:1
130:13			130:1	168:1
132:6,19,	place	138:6	131:1	169:1
20,25		178:3	132:1	170:1
143:9	places	186:7	133:1	171:1
146:5,9			134:1	172:1
147:16	Plaintiff		135:1	173:1
148:13		105:4,10	136:1	174:1
164:17,21		107:20	137:1	175:1
167:7	Plaintiff/		138:1	176:1
183:14	counterclaim		139:1	177:1
		107:10	140:1	178:1
pickup	Plaza	108:15	141:1	179:1
149:23			142:1	180:1
pickups	plug	163:11	143:1	181:1
164:11	PM	106:1	144:1	182:1
picture		107:1	145:1	183:1
134:11,22		108:1	146:1	184:1
135:12		109:1	147:1	185:1
143:22		110:1	148:1	186:1
146:18		111:1	149:1	
152:8		112:1	150:1	point 114:19
		113:1	151:1	115:20
pictures		114:1	152:1	118:16
134:8,25		115:1	153:1	130:18
139:15		116:1	154:1	149:11
140:7		117:1	155:1	174:15
143:19,20,		118:1	156:1	180:13
21 144:10,		119:1	157:1	181:14,15,
12,23		120:1	158:1	19
148:5		121:1	159:1	
149:19,20,		122:1	160:1	POLLACK
25 150:8		123:1	161:1	107:14
151:8		124:1	162:1	possession
				119:11

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: power..put

power	163:12	produce	9	public	
practice		115:14	proper	106:10	
165:5		produced	114:17	109:17,18	
PRAKHUNOV@		115:8	protection	171:10	
PSDFIRM.COM		116:25	114:6,9,13	pull	140:21
107:17		128:19	115:20,23	141:5	
prepared		133:11,13	116:4,7	148:17,18	
142:18		156:2	117:18	pulling	
present		158:16,23	118:6	133:25	
108:21		163:20	120:15	purchase	
170:22		172:7	121:4	111:12	
Prestige		producing	122:6	112:15	
122:2		115:20	123:8	128:25	
127:4		116:8	protocol	168:23	
pretty		product	149:16	171:14	
127:12		153:18	150:22	174:14	
179:14		production	protocols	177:5,22	
180:23		110:9	143:15	178:4,7	
previously		115:9	prove	180:22	
116:5,14		154:25	183:16	purchased	
price		156:12	provide	117:19	
129:15,16,		168:2	138:3	pursuant	
18,22		185:21,22	171:4	106:6	
printed		products	provided	push	147:22
145:9		160:11	109:6	151:15,18	
146:5		171:19	125:10	put	113:5
prior	170:25	professional	158:19	114:11	
problem		106:9	171:5,9	116:12	
124:25		172:14,17	provider	124:12	
125:6		professionals	140:14,16	127:21,24	
159:15		172:8	providers	128:14	
181:9		pronounce	148:12	130:24	
Procedure		135:13	providing	132:15	
109:7		155:7	130:17	146:5	
		proof	164:4	147:13,14	
		171:4,			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: puts..recollection**

148:7,8,16	143:4	124:11,17	recall
149:13	145:18	126:19	114:19
150:23	150:6,7,17	128:14,18	115:18
153:18,19,	152:5	131:10	120:3
25 154:24	158:17	133:3,8	124:10
165:9	164:8	139:20,24	125:10
180:8	165:11	150:16	127:3
185:13	168:3,4	152:14,16	128:2,4,6,
puts 150:11	173:20,22	154:23	9 129:4
putting	174:17	159:8,15,	131:17
128:2	177:11	18,23	133:10,22
134:21	179:6,9,15	163:16	136:12,20
151:8	181:18	168:11,18	151:24
159:18	182:25	173:8	155:8
165:12	184:24	179:8,10	165:4
168:15	185:2	184:21,25	170:20
	questioning	185:4,12	181:8
<hr/>	138:20	ran 116:6	182:10
Q	questions	randomly	receive
quality	184:18	149:24	180:25
115:9	quick 163:9	read 110:13	received
quantities	quickly	125:16	114:20
123:24	168:14	134:9	125:22
quantity		137:2,7	166:15,20
131:23	<hr/>	146:22	receiving
156:16,19,	R	162:7	180:12
24	raised	179:18,23	recess
question	114:23	186:18	159:17
109:8,10	115:3	realized	recognize
114:5	RAKHUNOV	120:14	160:2
122:23	107:14	reason 118:2	168:19,22
123:2	110:7	131:18	recollect
128:13	113:4,22	145:15,20	186:12
132:2	114:3	149:17	recollection
139:7	116:12,18	157:14	116:8
142:4,22	117:5,6	183:2	134:16

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: reconcile..Rock

139:19	regularly	Report	resolved
165:20	142:17	111:15	143:6
reconcile	relied	130:18	185:18
167:5	172:18	reporter	respect
record 113:6	174:11	106:9	161:3
135:9	remember	113:9,13,	respectfully
152:14	115:2	15,20	179:20
172:2	120:13	116:16	respond
186:17	128:9	150:15	136:3
recordkeeping	129:21	REPORTER'S	responded
127:16	130:8,17	110:15	113:20
records	131:11	reports	responds
127:20	134:13,18	115:15	116:16
132:11	138:18,19,	represent	response
refer 126:5	22 151:22	122:21	125:8,11
157:9	155:6	131:24	165:17
reference	172:21,24	representation	resume 182:5
117:14	173:5	132:5,10	resuming
referenced	180:11	representative	113:14
117:17	181:13	149:14	review
119:25	182:7	represented	173:23
referring	184:23	158:14	179:23
125:9	REMOTE 107:3	request	reviewed
136:14	108:3,21	110:9	172:11
155:14	repeat	148:4,5	RIDDLE
162:9	114:12	reserved	107:15
refers	141:3	109:9,12	rights 109:6
152:20	145:18	resold	Road 107:7
153:2	rephrase	119:14	108:7
refresh	150:6	resolve	Rock 105:5,
134:15	165:11	181:24	8 107:19
137:14	replacement	185:7	112:15
Registered	113:13	186:9	122:9
106:9	replied		
	172:25		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: role..Session**

123:3,9	Sale	111:12	123:24	114:1
127:6		171:13	129:10	115:1
130:13	Sales	112:15	173:24	116:1
131:21		128:25	Sellino	117:1
132:6		168:22	133:15,23	118:1
140:16,22		174:14	134:16	119:1
141:2,17		178:4	135:24	120:1
142:19		180:22		121:1
143:2,19			send	116:20
146:3	sat	128:4	134:11	122:1
147:9	satisfied		135:11	123:1
148:6,14		116:10	149:19	124:1
150:18			151:6	125:1
153:3	satisfy		157:25	126:1
164:11,17,		135:12	165:5	127:1
21 166:16	screen		sending	128:1
167:6,11,		154:15	151:23	129:1
13 168:7,		173:18	166:11	130:1
23 169:3	Sea	120:10,		131:1
170:7		11,12,22	sentence	132:1
172:4		121:21	119:20,22	133:1
173:24			173:16	134:1
176:21	search			135:1
177:12		121:6,7	separated	136:1
180:4,11,		134:10	161:12	137:1
25 181:8,		167:15,16	Services	138:1
20 182:8	sell	119:2,	128:22	139:1
183:3,8,		19 121:14,	129:2	140:1
19,21		20 123:2,	Session	141:1
		22	105:18	142:1
role 170:12			106:1,5	143:1
row 147:4	seller	129:2	107:1	144:1
		169:19	108:1	145:1
Rules 109:7		170:10,11	109:1	146:1
run 168:12		176:16	110:1	147:1
	seller's		111:1,6	148:1
s		176:17	112:1	149:1
			113:1	150:1
safe 137:23	selling			151:1

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: set..sold

152:1	114:9,10	166:2,7	179:14
153:1	settled	shlep 148:17	182:5
154:1	121:9,10	show 122:20	simply
155:1	sheet 110:10	149:9	115:17
156:1	164:9	154:6	160:16
157:1		184:8	simultaneous
158:1	sheets	showed 174:5	150:14
159:1	150:19,23	shrink 145:8	173:7
160:1	shininess	146:14,15	179:7
161:1	146:20	147:10,15,	sit 117:25
162:1	ship 160:11	18 148:12,	130:12
163:1	shipment	15,17	sitting
164:1	134:23	149:4	141:19
165:1	143:6,9	side 161:11	151:7,17
166:1	153:8	183:10	situation
167:1	164:6	sign 110:13	137:15
168:1	165:19,23	186:19	Size
169:1	shipments	signatory	145:12,14
170:1	130:13,19	170:13	148:25
171:1	132:2,5	signature	slashes
172:1	147:16	133:15	161:12
173:1	158:21	155:10	slide 148:19
174:1	164:15,16,	169:7	slightest
175:1	19,20	170:6	161:8
176:1	165:6	signed 169:9	slightly
177:1	166:15	179:20	182:25
178:1	shipped	signing	slipped
179:1	132:11	171:2	150:18
180:1	155:20	179:23	small 127:12
181:1	shipping	signs 169:13	147:2
182:1	112:11	similar	smaller
183:1	153:20	158:20	164:20
184:1	154:2,3,4	simple 132:3	sold 119:5
185:1	158:24		
186:1	163:24		
set 116:21	165:3		
settings			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: SOLOMON..surgical

120:10	specifications	starting	stopping
122:5	172:5	137:4	173:19
127:17	SPERBER	168:12	story
166:16	107:6	starts	182:19, 22
167:13	108:6	119:17	184:11
172:4	123:11	147:7	straight
SOLOMON	126:16	161:15, 16	142:10
107:14	159:2	State 106:10	184:11
solve	186:13, 18	statement	straighten
119:18, 24	spoke 130:2, 4, 15	137:10, 25	185:19
somebody's	172:19	STATES 105:1	stressful
123:20	174:7	stay 146:11	151:17
sorted 183:4	spoken	staying	strike
sound 130:21	178:11	141:18	109:10
SOUTHERN	spread 164:9	151:25	subject
105:1	spreadsheet	159:11	117:7
SPA 164:12, 22 173:25	130:18	stenographic	substantiate
	132:4	186:17	115:16
SPA-JNS	spring	Stern 105:15	suggested
128:22	180:13	108:19	155:9
speaking	square 147:2	128:12	suggesting
127:15	st 107:15	133:11	148:9
128:12	staged	134:19	Suite 107:7,
173:9	142:17	Stern's	16 108:7,
specially	stands	128:5	15
182:15	150:10	STIPULATED	summary
specific	158:10	109:5, 15,	130:19
119:10	start 141:18	20	supposed
specifically	started	stop 159:11	125:25
126:24	131:22	stopped	supposedly
178:25	132:15	152:7, 9	182:19
specification	141:19, 23	154:15	surgical
174:24	178:20	173:13	114:9

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: surprise..told

surprise	173:19	testifying	throwing
166:19	179:4,7	149:18	119:18
	184:19		120:13
surprising		testimony	
166:24	tasked	109:11	thumb 118:11
	148:12	113:17	till 141:23
surrender		124:2	time 123:23
160:24	TCNU 147:7	147:11	127:19
161:2,6	technical	148:11,15	135:21
sworn 109:16	113:9	157:15	142:6
Synthetic	Technology	171:3,6,8	143:13
118:6	111:25	184:14,20	149:16
	155:11	testing	168:8
T	156:6	115:14	timeline
	Teleconferenci	174:8,9,13	140:2
T-Z 112:8	ng 106:7	Texas 129:6,	times
160:5,6	telephone	25 130:2,6	185:23,24
table 157:4	170:20	thereof	186:3
taking	telling	109:9	timing
126:20	138:9	thing 115:4	142:25
142:24	175:20,21	131:15	143:5
talk 128:23	181:8	137:15	tissue
129:14	183:22	142:8,14	126:5,7
151:5	ten 167:21	177:25	136:15
185:25	183:17	183:13,15	title 116:23
talking	terms 127:2	things 173:4	titled 129:2
117:11	176:14	178:17,20	today 117:25
122:14	test	185:17	125:22,23
123:19	172:14,18	Third-party	130:12
126:12	testified	105:10,16	168:13
127:10	123:7	106:6	told 119:5
146:25	149:15	108:10,18	123:9
150:14	166:14	THOMAS	127:22
152:6,7	testify	108:23	129:6
154:12,15	170:24	thought	130:3
165:8	185:25	165:11	
167:25			

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: Tommy..VOL

150:21	154:19	127:6,9	University
151:16			108:15
166:19	trial 106:5	umm 129:7,8	
170:14	109:13	134:18	unloaded
172:7,19,	truck	135:13,16	123:20
23 173:3,	140:17,21	137:13	untruthful
10 176:25	141:17	148:5	138:15,17
178:17,19,	143:10	154:3,4	
21,25	147:10	162:23	urgently
179:11	150:5	178:18,19	125:2
182:13	182:17	unacceptable	usage 120:20
185:8,16	183:19	118:17,20,	users 119:3
		22	
Tommy 149:20	Trucking		
178:20	143:9	under- 170:2	v
tomorrow	trucks	underlined	varies
154:17	140:23	170:9	153:16
183:23	141:5,7		
186:14	143:4	understand	verbally
	150:2,9	117:23	121:8
top 125:12	183:18	126:4	
146:16,18		135:18	vessels
147:2,4	two-and-a-half	139:6,8,13	154:2
149:5,6	137:18,19	142:5,20	view 125:5
156:5	type 136:22	151:8	143:3
161:22,23	137:10	understanding	VOL 106:1
163:4	138:11	114:5	107:1
169:7	139:9	139:17,19	108:1
		152:19	109:1
topic 114:12	types 158:15	153:10	110:1
total 183:17	160:2,20	175:22	111:1
			112:1
totally	typically	understood	113:1
149:18	153:14	114:8	114:1
track 126:25		120:5	115:1
	U	133:2	116:1
transfer		158:8	117:1
176:16,22	ultimate		118:1
183:25	127:12,13	unit 129:15	
traveling	ultimately	UNITED 105:1	119:1

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: volume..Weiner**

120:1	158:1	waived	150:11
121:1	159:1	109:22	Wednesday
122:1	160:1	waiver	105:20
123:1	161:1	109:12	week 163:25
124:1	162:1	wanted	weeks 123:12
125:1	163:1	121:12	weight
126:1	164:1	129:16	156:23
127:1	165:1	142:21	Weiner
128:1	166:1	165:19	105:14,19
129:1	167:1	173:6	106:1,6
130:1	168:1	181:18	107:1
131:1	169:1	185:23	108:1,10
132:1	170:1	warehouse	109:1
133:1	171:1	115:7	110:1,6
134:1	172:1	123:21	111:1
135:1	173:1	134:10,20,	112:1
136:1	174:1	21 140:21	113:1,5
137:1	175:1	142:15	114:1
138:1	176:1	144:24	115:1
139:1	177:1	145:17,22	116:1
140:1	178:1	147:18	117:1,3
141:1	179:1	148:11	118:1
142:1	180:1	149:9,11,	119:1
143:1	181:1	22 150:21	120:1
144:1	182:1	151:3,6,11	121:1
145:1	183:1	153:4	122:1
146:1	184:1	176:17	123:1
147:1	185:1	180:17	124:1
148:1	186:1	181:3	125:1
149:1	volume	183:13	126:1
150:1	105:18	warehouses	127:1
151:1	110:18	143:15	128:1
152:1	156:23	149:16,22	129:1
153:1	174:7	160:12	130:1
154:1		181:6	131:1
155:1	<hr/> W <hr/>	watches	132:1
156:1			
157:1	wait 179:3		

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.**Hershey Weiner on 11/15/2023****Index: Winners..years**

133:1	171:1	15,19	124:24
134:1	172:1	178:2	128:23
135:1	173:1,9	183:24	134:6
136:1	174:1	wired 177:8,	136:5,21
137:1	175:1	9,13,24	157:25
138:1	176:1	178:9	writes
139:1	177:1	Withdrawn	135:25
140:1	178:1	158:18	writing
141:1	179:1	word 124:4	134:13
142:1	180:1	152:12	184:17
143:1	181:1	160:24	185:14,17,
144:1	182:1		21
145:1	183:1	words 114:11	written
146:1	184:1	work 115:25	175:5,20
147:1	185:1	120:22	wrong 140:20
148:1	186:1	133:25	149:19
149:1	Winners		
150:1	105:3,11	worked	wrote 118:2,
151:1	107:10	140:13	15 121:23
152:1	112:15	149:11	124:2
153:1	131:19	150:21	126:7
154:1	132:6	workers	136:8,25
155:1	135:5	140:22	137:10,22,
156:1	145:11	wrap	24 138:13,
157:1	146:21	148:16,17	16 139:9
158:1	147:6	wrapped	157:24
159:1	148:24	145:8	
160:1	152:12	146:14	x
161:1	156:7	147:10	
162:1	168:5,23		XL 145:12,
163:1	169:3,10	wrapping	14
164:1	170:10,11	146:15	
165:1	172:4	147:15,19	y
166:1		148:13	
167:1	wire	149:4	years
168:1	176:16,21,		137:18,19
169:1	24,25	write 117:7	144:7
170:1	177:2,4,6,	121:13	

KITCHEN WINNERS NY INC., WT AL. vs ROCK FINTEK LLC, ET AL.

Hershey Weiner on 11/15/2023

Index: York..Zoom

York 105:1

106:10

120:25

Z

Zoom 106:7

107:3

108:3,21